



# भारत का राजपत्र The Gazette of India

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NEW DELHI, SATURDAY, NOVEMBER 9, 1991/KARTIKA 18, 1913

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह जलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-section (II)

विधि और न्याय मंत्रालय

(विधि कार्य विभाग)

सूचना

नई दिल्ली, 25 अक्टूबर, 1991

का. मा. 2809—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में  
सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री रामसिंह सलूजा  
अधिवक्ता ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन  
एक आवेदन इस बात के लिए दिया है कि उसे पटियाला (पंजाब)  
व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार  
का आवेध इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप  
से मेरे पास भेजा जाए।

[सं. 5(86)/91-न्या.]

पी. सी. कण्णन, सक्षम प्राधिकारी

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

NOTICE

New Delhi, the 25th October, 1991

S.O. 2809—Notice is hereby given by the Competent  
Authority in pursuance of rule 6 of the Notaries, 1956,

that application has been made to the said Authority, under  
rule 4 of the said Rules, by Sh. Ram Singh Shlooja, Advoca-  
te for appointment as a Notary to practise in Patiala  
(Punjab).

2. Any objection to the appointment of the said person  
as a Notary may be submitted in writing to the undersigned  
within fourteen days of the publication of this Notice.

[No. F. 5(86)/91-Judl.]

P. C. KANAN, Competent Authority.

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 17 अक्टूबर, 1991

का. मा. 2810—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधि-  
नियम, 1946 (1946 का 25) की धारा 6 के साथ पठित धारा  
5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कर्नाटक  
राज्य सरकार की सहमति से जो गृह सचिवालय की अधिसूचना सं.  
एच. डी. 320 सी. एल. क्यू. 88 तारीख 5 अगस्त, 1991 द्वारा दी  
गई है। दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधि-

कानिना का विस्तार, निम्नलिखित अपराधों के अन्वेषण के लिए सम्पूर्ण कर्नाटक राज्य पर करती है, अर्थात् :—

(क) (1) भारतीय दंड संहिता 1860 (1860 का केन्द्रीय अधिनियम सं. 45) की धारा 124-क, 201, 204, 211, 231, 232, 233, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 263-क, 378, 379, 380, 381, 382, 384, 385, 386, 387, 388, 389, 403, 406, 407, 408, 409, 411, 412, 413, 417, 418, 419, 420, 465, 466, 467, 468, 471, 472, 473, 474, 475, 476, 477-क, 489-क, 489-ख, 489-ग, 489-घ, 489-ङ, 500, 501, 502, 504, 505, 506, 507, 508, 509 के अधीन दंडनीय अपराध ;

(2) भारत रक्षा अधिनियम, 1962 और उसके अधीन बनाए गए भारत रक्षा नियमों के अधीन दंडनीय अपराध ;

(3) आयात और निर्यात (नियंत्रण) अधिनियम, 1947 (1947 का केन्द्रीय अधिनियम सं. 18) के अधीन दंडनीय अपराध ;

(4) भारतीय डाकघर अधिनियम, 1989 (1989 का केन्द्रीय अधिनियम सं. 6) के अधीन दंडनीय अपराध ;

(5) कंपनी अधिनियम, 1956 (1956 का केन्द्रीय अधिनियम सं. 1) के अधीन दंडनीय अपराध ;

(6) बीमा अधिनियम, 1938 (1938 का केन्द्रीय अधिनियम सं. 4) के अधीन दंडनीय अपराध ;

(7) शासकीय गुप्त बात अधिनियम, 1923 (1923 का केन्द्रीय अधिनियम सं. 19) के अधीन दंडनीय अपराध ;

(8) आवश्यक वस्तु अधिनियम, 1955 (1955 का केन्द्रीय अधिनियम सं. 10) और उसके संबंध में या उसके संसक्त बह्यक्षों के अधीन दंडनीय अपराध ;

(9) भारतीय बेतार सार्वजनिक अधिनियम, 1933 (1933 का केन्द्रीय अधिनियम सं. 17) के अधीन दंडनीय अपराध ;

(10) भारतीय संबंधी तार (विधि विरुद्ध कब्जा) अधिनियम, 1950 (1950 का केन्द्रीय अधिनियम सं. 74) के अधीन दंडनीय अपराध ;

(11) भारतीय तार अधिनियम, 1885 (1885 का केन्द्रीय अधिनियम सं. 13) के अधीन दंडनीय अपराध ;

(12) रेल भंडार (विधि विरुद्ध कब्जा) अधिनियम, 1955 (1955 का केन्द्रीय अधिनियम सं. 51) के अधीन दंडनीय अपराध ;

(13) सीमा शुल्क अधिनियम, 1962 (1962 का अधिनियम सं. 52) के अधीन दंडनीय अपराध ;

(14) पासपोर्ट (भारत में प्रवेश) अधिनियम, 1920 (1920 का केन्द्रीय अधिनियम सं. 34) के साथ पठित भारतीय पासपोर्ट (भारत में प्रवेश) नियम, 1950 के अधीन दंडनीय अपराध ;

(15) विदेशियों का रजिस्ट्रिकरण अधिनियम, 1939 (1939 का केन्द्रीय अधिनियम सं. 16) के अधीन दंडनीय अपराध ;

(16) वायुयान अधिनियम, 1934 (1934 का केन्द्रीय अधिनियम सं. 22) के अधीन और उसके अधीन बनाए गए किसी नियम के अधीन दंडनीय अपराध ;

(17) विदेशियों विषयक अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम सं. 31) के अधीन दंडनीय अपराध ;

(18) अफीम अधिनियम, 1978 (1978 का अधिनियम सं. 1) के अधीन दंडनीय अपराध ;

(19) एन्तिस्मर मावक द्रव्य अधिनियम, 1930 (1930 का केन्द्रीय अधिनियम सं. 2) के अधीन दंडनीय अपराध ;

(20) केन्द्रीय उत्पाद शुल्क और नमक अधिनियम, 1944 (1944 का केन्द्रीय अधिनियम सं. 1) के अधीन दंडनीय अपराध ;

(21) लोक प्रतिनिधित्व अधिनियम, 1950 (1960 का केन्द्रीय अधिनियम सं. 43) के अधीन दंडनीय अपराध ;

(22) लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का केन्द्रीय अधिनियम सं. 43) के अधीन दंडनीय अपराध ;

(23) पासपोर्ट अधिनियम, 1967 (1967 का केन्द्रीय अधिनियम सं. 15) के अधीन दंडनीय अपराध ;

(24) विदेशी मुद्रा विनियमन अधिनियम, 1973 (1973 का केन्द्रीय अधिनियम सं. 46) के अधीन दंडनीय अपराध ;

(25) आतंकवादी और विध्वंसक क्रियाकलाप (निवारण) अधिनियम, 1987 (1987 का केन्द्रीय अधिनियम सं. 28) और उसके अधीन बनाए गए नियमों के अधीन दंडनीय अपराध ;

(26) बिधि विरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का केन्द्रीय अधिनियम सं. 37) के अधीन दंडनीय अपराध ;

(ख) खंड 1 से 26 में उल्लिखित किसी अपराधों के संबंध में या उनसे संसक्त प्रयत्नों, दुष्प्रेरणों और बह्यक्षों के और जहाँ तथ्यों से उद्भूत होने वाले वैसे ही संयोजन के अनुक्रम में किए गए कोई अन्य अपराध ।

[सं. 228/46/91 - ए वी डो - II]

ए. सी. शर्मा, सचिव

## MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS

(Department of Personnel & Training)

New Delhi, the 17th October, 1991

S.O. 2810.—In exercise of the powers conferred by sub-section (1) of Section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government, with the consent of the State Government of Karnataka vide Home Secretariat Notification No. HD 320 CLQ 88 dated 5th August, 1991 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of the following offences, namely :—

- (a) (1) Offences punishable under Sections 124-A, 201, 204, 211, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 263-A, 378, 379, 380, 381, 382, 384, 385, 386, 387, 388, 389, 403, 406, 407, 408, 409, 411, 412, 413, 414, 417, 418, 419, 420, 465, 466, 467, 468, 471, 472, 473, 474, 475, 476, 477-A, 489-A, 489-B, 489-D, 489-E, 500, 501, 502, 504, 505, 506, 507, 508, 509 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860);
- (2) Offences punishable under the Defence of India Act, 1962 and the Defence of India Rules framed thereunder.
- (3) Offences punishable under the Imports & Exports (Control) Act, 1947 (Central Act No. 18 of 1947);
- (4) Offences punishable under the Indian Post Office Act, 1898 (Central Act No. 6 of 1898);
- (5) Offences punishable under the Companies Act, 1956 (Central Act No. 1 of 1956);
- (6) Offences punishable under the Insurance Act, 1938 (Central Act No. 4 of 1938);

- (7) Offences punishable under the Indian Official Secrets Act, 1923 (Central Act No. 19 of 1923);
- (8) Offences punishable under the Essential Commodities Act, 1955 (Central Act No. 10 of 1955);
- (9) Offences punishable under the Indian Wireless Telegraphy Act, 1933 (Central Act No. 17 of 1933);
- (10) Offences punishable under the Telegraph Wire (Unlawful Possession) Act, 1950 (Central Act No. 74 of 1950);
- (11) Offences punishable under the Indian Telegraph Act, 1885 (Central Act No. 13 of 1885);
- (12) Offences punishable under the Railway Stores Unlawful Possession Act, 1955 (Central Act No. 51 of 1955);
- (13) Offences punishable under the Customs Act, 1962 (Act No. 52 of 1962);
- (14) Offences punishable under the Indian Passport (Entry into India) Rules, 1960 read with the Passport (Entry into India) Act, 1920 (Central Act No. 34 of 1920);
- (15) Offences punishable under the Registration of Foreigners Act, 1939 (Central Act No. 16 of 1939);
- (16) Offences punishable under the Aircraft Act, 1934 (Central Act No. 22 of 1934) and under any rule made thereunder;
- (17) Offences punishable under the Foreigners Act, 1946 (Central Act No. 31 of 1946);
- (18) Offences punishable under the Opium Act, 1878 (Act No. 1 of 1878);
- (19) Offences punishable under the Dangerous Drugs Act, 1930 (Central Act No. 2 of 1930);
- (20) Offences punishable under the Central Excise and Salt Act, 1944 (Central Act No. 1 of 1944);
- (21) Offences punishable under the Representation of the People Act, 1950 (Central Act No. 43 of 1950);
- (22) Offences punishable under the Representation of the people Act, 1951 (Central Act No. 43 of 1951);
- (23) Offences punishable under the Passport Act, 1967 (Central Act No. 15 of 1967);
- (24) Offences punishable under the Foreign Exchange Regulations Act, 1973 (Central Act No. 46 of 1973);
- (25) Offences punishable under the Terrorist and Disruptive Activities Prevention Act, 1987 (Central Act No. 28 of 1987) and Rules made thereunder;
- (26) Offences punishable under the Unlawful Activities (Prevention) Act, 1967 (Central Act No. 37 of 1967);
- (b) Attempts, abetments and conspiracies in relation to or in connection with any offences mentioned in clauses 1 to 26 and any other offences committed in the course of the same transaction arising out of the same facts.

(No. 228/46/91-AVD-II)

A. C. SHARMA, Under Secy.

नई दिल्ली, 28 अक्टूबर, 1991

का. घा. 2811—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप नियम (4) के अनुसरण में कर्मचारी चयन आयोग (कर्मिक और प्रशिक्षण विभाग) के अन्तर्गत आने वाले निम्नलिखित कार्यों को, जिनके 80

प्रतिशत से अधिक कर्मचारीबन्धन ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करता है :—

- (1) क्षेत्रीय कार्यालय (मध्य क्षेत्र),  
कर्मचारी चयन आयोग, 8, बेला रोड,  
इलाहाबाद - 211002
- (2) उप क्षेत्रीय कार्यालय,  
कर्मचारी चयन आयोग,  
निशांत विला "एफ",  
जलविहार कॉलोनी,  
रायपुर - 492001

[सं. 11011/12/91 - हिन्दी]

ए. के. भट्टराय, उप सचिव

New Delhi, the 28th October, 1991

S.O. 2811.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rule, 1976, the Central Government hereby notifies the following offices under the Staff Selection Commission (Department of Personnel and Training), whereof more than 80% staff have acquired working knowledge of Hindi :—

- (1) Regional Office (Central Zone),  
Staff Selection Commission,  
8, Beli Road,  
Allahabad-211002.
- (2) Sub-Regional Office,  
Staff Selection Commission,  
Nishant Villa "F",  
Jal Vihar Colony,  
Raipur-492001.

[No. 11011/12/91-Hindi]  
A. K. BHATTARAI, Dy. Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 3 नवम्बर, 1991

का. घा. 2812—आयकर अधिनियम, 1961 (1961 का 43) का धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "नेट गोकुलदास तेजपाल चेरिटिज, बम्बई को, 1990-91 से 1992-93 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिता इसकी आय का हस्तमाल अथवा इसकी आय का हस्तमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्वयता उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिता ऊपर उल्लिखित करनिर्धारण वर्षों से संगत पूर्ववर्ती वर्षों का किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अवधि एक से अधिक वंग अवधि तरीकों से भिन्न तरीकों से इसकी निधि (जैवर जवाहरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रारम्भिक नहीं हो तथा ऐसी कारोबार के संबंध में अन्त में लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[सं. 8916 (फा. सं. 197/90/91-आयकर नि.-1]

## MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 3rd September, 1991

## (INCOME-TAX)

S.O. 2812.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby Notifies "Seth Gokul Das Tejpal Charities Bombay" for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate it for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds, (other than voluntary contributions, received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[No. 8916/F. No. 197/90/91-IT-AI]

## आयकर

का. प्रा. 2813—आयकर अधिनियम, 1961 (1961 का. 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "बिलियम केरे स्टडी एंड रिसर्च सेंटर, कलकत्ता" को कर-निर्धारण वर्ष 1991-92 से 1992-93 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिता इसकी आय का हस्तेमाल अथवा इसकी आय का हस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिता ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती की किसी भी अवधि के दौरान धारा ii की उप-धारा (5) में विनिर्दिष्ट किसी एक अवधि एक से अधिक ढंग अवधि तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वच्छिष्ट अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में भ्रम से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[सं. 8914/ का. सं. 197/71/90 - आयकर नि.-1]

## (INCOME-TAX)

S.O. 2813.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "William Carey Study and Research Centre, Calcutta" for the purpose of the said sub-clause for the assessment

years 1991-92 to 1992-93 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate it for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[No. 8914/F. No. 197/71/90-IT-AI]

## आयकर

का. प्रा. 2814—आयकर अधिनियम, 1961 (1961 का. 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा, "श्री कर्ष कामकोटेश्वर मंदिर वाराणसी, को 1990-91 से 1992-93 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिता इसकी आय का हस्तेमाल अथवा इसकी आय का हस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिता ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अवधि एक से अधिक ढंग अवधि तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वच्छिष्ट अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में भ्रम से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[सं. 8918/ का. सं. 197/93/91 - आयकर नि.-1]

## (INCOME-TAX)

S.O. 2814.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Kasi Kamukoteswar Mandhir, Varanasi" for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions namely :—

- (i) the assessee will apply its income, or accumulate it for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;

- (iii) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business.

[No. 8918/F. No. 197/93/91-IT-AI]

#### आयकर

का. प्रा. 2815.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "आस्तिक समाज बम्बई" को कर निर्धारण वर्ष 1991-92 से 1992-93 तक के लिए निम्नलिखित शर्तों के अधीन रखते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :-

- (i) कर-निर्धारिता इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संयोजन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिता ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[सं. 8919/का. सं. 197/108/91 - आयकर नि.-1]

#### (INCOME-TAX)

S.O. 2815.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Astika Samaj, Bombay" for the purpose of the said sub-clause for the assessment years 1991-92 to 1992-93 subject to the following conditions, namely :-

- (i) the assessee will apply its income, or accumulate it for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business.

[No. 8919/F. No. 197/108/91-IT-AI]

#### आयकर

का. प्रा. 2816.—आयकर अधिनियम, 1961 (1961 का 43) का धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री रंगनाथस्वामी देवस्थानम श्रीरंगम, (तमिलनाडु)" को कर निर्धारण वर्ष 1991-92 से 1992-93 तक के लिए निम्नलिखित शर्तों के अधीन रखते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :-

- (i) कर निर्धारिता इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संयोजन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिता ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[सं. 8915/का. सं. 197/82/91 - आयकर नि.-1]

#### (INCOME-TAX)

S.O. 2816.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Ranganathaswamy Devasthanam, Srirangam, (Tamilnadu)" for the purpose of the said sub-clause for the assessment years 1991-92 to 1992-93 subject to the following conditions, namely :-

- (i) the assessee will apply its income, or accumulate it for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business.

[No. 8915/F. No. 197/82/91-IT-AI]

नई दिल्ली, 11 नवम्बर, 1991

#### आयकर

का. प्रा. 2817.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "सोसाइटी आफ बि हाउसिंग ऑफ मेरी त्रिवेन्द्रम" को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1988-89 से 1989-90 तक के लिए अधिसूचित करती है।

[सं. 8924/का. सं. 197/38/89 - आय. कर नि.-1]

New Delhi, the 11th September, 1991

## (INCOME-TAX)

S.O. 2817.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Society of the Daughters of Mary, Trivandrum" for the purpose of the said sub-clause for the assessment years 1988-89 and 1989-90.

[No. 8924/F. No. 197/38/89-IT.A1]

नई दिल्ली, 19 सितम्बर, 1991

## आयकर

का.आ. 2818.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, 'मिशनरी बेनेडिक्टा सोसायटी, कोल्हापुर, महाराष्ट्र' को 1989-90 से 1991-92 तक के कर-निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिता इसकी आय का इस्तेमाल अथवा, इसकी आय का इस्तेमाल करने के लिए इसका संभयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिता ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक दंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जबकि-जवाहिरात, फर्निचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वीकृत अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अधिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हो।

[सं. 8928/का. सं. 197/99/91 - आयकर नि.-1]

एस. के. चटर्जी, विशेष कार्य अधिकारी

New Delhi, the 11th September, 1991

## (INCOME-TAX)

S.O. 2818.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Missionary Evangelist Society, Kolhapur, Maharashtra" for the purpose of the said sub-clause for the assessment years 1989-90 to 1991-92 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate it for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the

objectives of the assessee and separate books of account are maintained in respect of such business.

[No. 8928/F. No. 197/99/91-IT.A1]

S. K. CHATTERJEE, Officer on Special Duty

## खान मंत्रालय

नई दिल्ली, 22 अक्टूबर, 1991

का.आ. 2819—पब्लिक प्रॉमिसिस (एक्जिशन आफ़ चन-अपीराइज्ड प्रॉमिसिन्स) ऐक्ट, 1971 (1971 का 40) के सेक्शन-3 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए और भारतीय गजट भाग II सेक्शन 3(ii) में एन.एन. नं. 3921 दिनांक 11 अक्टूबर, 1985 को प्रकाशित इम्प्लेंट एवं खान मंत्रालय (खान विभाग) में भारत सरकार की अधिसूचना के प्रगतिव्यापन में केन्द्रीय सरकार एतद्वारा हिन्दुस्तान जिक लिमिटेड, एक निमित्त प्राधिकरण, के नीचे दी गई तालिका के बालम (1) में उल्लिखित निम्नलिखित अधिकारियों को, उक्त ऐक्ट के उद्देश्य के लिये गठित अधिकारों के रूप में नियुक्त करती है, ये अधिकारी सरकार के राजपत्रित अधिकारियों की श्रेणी के तमन्व अधिकारी होंगे, जो कि हिन्दुस्तान जिक लिमिटेड में संबंधित कालम (2) में उल्लिखित पब्लिक प्रॉमिसिस में उल्लिखित संबंधित व्यापारिक क्षेत्र की स्थानीय मामलों तक सीमित उक्त ऐक्ट द्वारा या ऐक्ट के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करेंगे और सम्बन्धी अधिकारियों पर लागू कार्यों की निष्पादन करेंगे—

अधिकारियों का पदनाम	व्यापारिक क्षेत्र की स्थानीय मामलों
1	2
महा प्रबन्धक ज.वर माहन्म जिला-उदयपुर राजस्थान	गांव जाबर, टीडा और अमरपुर, तहसील दिरवा और बयारिया, मिण्टवाड़ा और नेवातवाड़ीगांव तहसील सराड़ा, जिला उदयपुर, राज
महा प्रबन्धक जिक स्मैल्टर देवारी डाकघर-देवारी जिला उदयपुर, राजस्थान	आवासीय कार्यालय भवन और आपन लैण्ड और भूमि मन्त्रि जिक स्मैल्टर और तहसील निर्बा में गांव देवारी विट्ठो और तहसील भावली, जिला उदयपुर राजस्थान में गांव मुहली में तथा जिक स्मैल्टर के अधीन अन्य प्रॉमिसिस।
कार्य प्रबन्धक मोसा प्रबन्धक, टुण्डू डाकघर टुण्डू जिला-छत्रबाद, बिहार	सम्पूर्ण मोसा प्रबन्धक, इसके विभिन्न आवासीय कार्यालय और आपन लैण्ड और गांव टुण्डू, उप मंडल बाघमारा, पुलिस स्टेशन- बाघमारा, जिला छत्रबाद (बिहार) में मोसा प्रबन्धक के अधीन अन्य प्रॉमिसिस।
महा प्रबन्धक, राजपुरा बरबा खान डाकघर-धरोबा जिला-उदयपुर राजस्थान	तहसील रेल मगरा, जिला उदयपुर के गांव दरोबा राजपुरा, अंजाना, महेन्द्रिया और तहसील कपासन, जिला शितौड़ा (राजस्थान) के गांव शकपापड़िया में राजपुरा बरबा खान समूह का सम्पूर्ण खान पट्टा क्षेत्र (अर्थात् भूमि और उस पर निर्मित भवनों सहित)
मुख्य प्रबन्धक (प्रशासन) महा प्रबन्धक (का. एवं प्र.) हिन्दुस्तान जिक लिमिटेड	प्रधान कार्यालय भवन, क्वार्टर, अर्थात् गृह और उदयपुर सिटी (राजस्थान) में स्थित मुख्यालय में कम्पनी के कार्यालय प्रॉमिसिस।
प्रधान कार्यालय 6, तथा फतहपुरा, उदयपुर (राजस्थान)	

महा प्रबंधक प्रिक स्मेल्टर, विशाखापट्टनम आन्ध्र प्रदेश	सम्पूर्ण जिक स्मेल्टर, आशामीय कालोनी और ओपन लैंड और गाय मिडी एंड मुल्लुडा जिला विशाखापट्टनम (आ. प्र.) में अन्य प्रीमिसिस।
खान अधीक्षक मटून साइड जिला-उदयपुर राजस्थान	जिला उदयपुर (राजस्थान) में महर्षीय गिरवा के तास मटून कानपुर तथा हकरवार में स्थित मटून खान पट्टा, कालोनी, भवन सहित।
खान अधीक्षक सर्गीपल्ली खान परियोजना डाकघर-सर्गीपल्ली जिला-मुंदरगढ़ जिला खान अधीक्षक अग्निगुडाला सीमा परियोजना	गांव बीरीमारा, लोकवागा, तेलीपल्ली, महोकानी, बडाबगा, मारतपुर और हच्छानाला में सर्गीपल्ली का सम्पूर्ण खनन पट्टा क्षेत्र (अवगत भूमि और उस पर निर्मित भवनों सहित) बडाया मोट्टू गांव में स्थित अग्निगुडाला का सम्पूर्ण खनन पट्टा क्षेत्र (अवगत भूमि और उस पर निर्मित भवनों सहित)
डाकघर बडाया मोट्टू जिला-मुंदर, आन्ध्र प्रदेश	
उप महा प्रबंधक/ महा प्रबंधक बन्देरिया सीमा जस्ता प्रद्रावक डाकघर-पुखोली, जिला-चित्तौड़गढ़ राजस्थान	गांव पुखोली, महर्षीय गंगनार, जिला चित्तौड़गढ़ स्थित बन्देरिया सीमा जस्ता प्रद्रावक जिसमें आशामीय कालोनी, भवन और ओपन क्षेत्र और भूमि एवं मोसुडा, जिला चित्तौड़गढ़, राजस्थान सहित चित्तौड़गढ़ में बन्देरिया सीमा जस्ता प्रद्रावक में सम्बन्धित अन्य प्रीमिसिस भी शामिल हैं।
मुख्य परियोजना प्रबंधक/ महा प्रबंधक रामपुरा अग्नि जाल डाकघर-अग्नि जिला-भीलवाड़ा राजस्थान	गांव अग्नि जाल भीलवाड़ा (राजस्थान) के पास स्थित रामपुरा अग्नि जाल, साथ ही आशामीय कालोनी, भवन और ओपन क्षेत्र, भूमि एवं शाहपुरा बाटर पम्प हाउस और बनावत नदी बेट साईट सहित रामपुरा अग्नि जाल के सम्बन्धित अन्य प्रीमिसिस।
महा प्रबंधक हिन्दुस्तान जिक लिमिटेड डेगाना टंगस्टन परियोजना डाकघर-नागौर डेगाना-3 1503	गांव डेगाना जिला नागौर में स्थित डेगाना टंगस्टन परियोजना, साथ ही आशामीय कालोनी, भवन और ओपन क्षेत्र, भूमि और उन पर निर्मित अन्य प्रीमिसिस और राजस्थान के जिला मिराहो में बालडा परियोजना, साईट।

[क्राइल में 3/5/91-मैटल]

डी. के. व्यागी, उप सचिव

## MINISTRY OF MINES

New Delhi, the 22nd October, 1991

S.O. 2819.-- In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupant) Act, 1971 (40 of 1971) and in supersession of the notification of the Government of India in the Ministry of Steel and Mines (Department of Mines), published in Gazette of India, Part-II Section 3 (ii) as S.O. No. 3921, dated the 11th October, 1985, the Central Government hereby appoints the following officers of Hindustan Zinc Limited, Udaipur, a corporate authority, mentioned in column (1) of the Table below, being officers

equivalent to the rank of Gazetted Officers of the Government to be estate officers for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act within the local limits of their respective jurisdictions specified in the corresponding entries in column (2) thereof, in respect of public premises belonging to the said Hindustan Zinc Limited.

TABLE

Designation of the Officers	Local limits of jurisdiction
1	2
General Manager Zawar Mines, District Udaipur Rajasthan	Zawar Group of Mines located in Village Zawar Tidi and Amarpura, Tehsil Girwa and village Bhalaria, Singatwara and Rawatalai, Tehsil Sarada of District Udaipur (Rajasthan)
General Manager Zinc Smelter Debari P.O. Debari, Dist : Udaipur (Rajasthan)	Zinc Smelter including the residential colony buildings and open area and land and other premises under the Zinc Smelter in villages Debari and Bichdi in Tehsil Girwa and village Gudli in Tehsil Mavlim, District Udaipur (Rajasthan).
Works Manager Lead Smelter Tundoo P.O. Tundoo Dist. Dhanbad Bihar	Complete Lead Smelter, its various buildings residential colony and open land and other premises under the lead smelter in village Tundoo Sub-Division Bhagmara, PS Bhagmara of District Dhanbad (Bihar).
General Manager Rajpura Darba Mines P.O. Dariba Dist : Udaipur Rajasthan.	Entire mining lease area of Rajpura Dariba group of mines (including lands acquired and buildings constructed thereon) in village Dariba, Rajpura, Anjana, Mahendriya of Tehsil Railmagra, District Udaipur and village Chakapriya of Tehsil Kapasan, District Chittorgarh (Rajasthan)

1	2	1	2
Chief Manager (Administration)/ General Manager (P&A) Hindustan Zinc Limited Head Officer 6, New Fatehpura, Udaipur (Rajasthan).	Head Office buildings, quarters, guest houses and office premises of the Company at Headquarters located in Udaipur City (Rajasthan).		premises under the Rampura-Agucha Mines including Banas River Bed Well site and Shahpura Water Pump House.
General Manager Zinc Smelter Visakhapatnam, Andhra Pradesh	Complete Zinc Smelter residential colony and open land and other premises in villages Mindi and Mulgunda Distt. Visakhapatnam (Andhra Pradesh)	General Manager Hindustan Zinc Limited Degana Tungsten Project P.O. Nagore Degana-341 503	Degana Tungsten Project located in Degana village in Nagore district Rajasthan including the residential colony, building and open areas, land and other premises constructed thereon and Balda Project site in Sirohi district of Rajasthan.
Superintendent of Mines Maton Mines District Udaipur Rajasthan	Maton Mines located in village Maton, Kanpur and Lakarvas of Tehsil Girwa, District Udaipur (Rajasthan).	[F. No. 3(5)/91—Met. II] D.K. TYAGI, Dy. Secy.	
Superintendent of Mines Sargipali Mines Project P.O. Sargipali Distt. Sundargarh Orissa.	Entire mining lease areas of Sargipali (including lands acquired and building constructed thereon) in village Kirisara, Lokdaga, Nailipalli, Mahikani, Badabanga, Bharatpur and Icchanals.	माता संभाजन विभाग संज्ञात (महिला एवं बाल विकास विभाग) पूर्व विन्यास अधिनियम, 1890 (1890 का 6) के मामले में राष्ट्रीय बाल कोष, नई दिल्ली के मामले में नई दिल्ली, 23 अक्टूबर, 1991	
Superintendent of Mines Agnigundala Lead Project P.O. Bandalamottu Distt. Guntur, Andhra Pradesh Dy. General Manager/ General Manager Chanderiya Lead Zinc Smelter P.O. Puthauli Distt. Chittorgarh Rajasthan	Entire mining lease area of Agnigundala located in Bandalamottu village (including lands acquired and building constructed thereon). Chandriya Lead Zinc Smelter located in village, Puthauli, Tehsil Gangrar District Chittorgarh which also includes residential colony, buildings and open areas and land & other premises pertaining to Chanderiya Lead Zinc Smelter at Chittorgarh including Gosunda Dam site, P.O. Gosunda, District Chitto rgarh, Rajasthan.	का.प्र. 2820.—राष्ट्रीय बाल कोष, नई दिल्ली के प्रबन्ध बोर्ड की सहमति से एवं उनके आदेश पर पूर्व विन्यास अधिनियम, 1890 (1890 का 6) के खण्ड 4 द्वारा प्रबन्ध शक्तियों का प्रयोग करते हुए केंद्रीय सरकार एल द्वारा आदेश देती है कि (2,00,000) (दो लाख मात्र) की राशि जिसकी प्रवधि 14-10-91 को पूरी हो गई है, स्टेट बैंक ऑफ़ पटियासा, शास्त्री भवन, नई दिल्ली, से 40 दिनों के लिये फिक्स रिपॉजिट योजना के अन्तर्गत 15-10-91 से 11% की दर से निवेश किया जाए। उपरोक्त खाता भारत के पूर्व विन्यास कोषाध्यक्ष के नाम होगा और इस धनराशि का वह राष्ट्रीय बाल कोष, नई दिल्ली के प्रशासन के लिये उस योजना के अनुसार उपयोग में लायेगे जो भारत सरकार के साक्षात्कीर्त समाज कल्याण विभाग की दिनांक 2 मार्च, 1979 की मध्य-समय पर अध्यामोदित सं. सा.प्र. 120 (ई) के साथ प्रकाशित की गई थी। [सं. 13-7/91-टी.प्रार.-2] एम.पी. एन. सेठी, उप निदेशक MINISTRY OF HUMAN RESOURCE DEVELOPMENT (Department of Women & Child Development) IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT, 1890 (6 of 1890) IN THE MATTER OF THE NATIONAL CHILDREN'S FUND, NEW DELHI New Delhi, the 23rd October. 1991 S.O. 2820.—On the application made by and with the concurrence of the Board of Management of the National	
Chief Project Manager/ General Manager Rampura-Agucha Mines P.O. Agucha, Dist. Bhilwara Rajasthan.	Rampura-Agucha Mines, located near village Agucha District Bhilwara (Raj.) including the residential colony, buildings and open areas, land & other		



Children's Fund, New Delhi, as in exercise of the powers conferred by Section 4 of the Charitable Endowments Act, 1890 (6 of 1890), the Central Government do hereby order that the sum of Rs. 2,00,000 (Rupees two lakh only) matured on 14-10-91 be invested in fixed Deposit scheme in the State Bank of Patiala, Shastri Bhavan, New Delhi for 46 days w.e.f. 15-10-91 at the rate of interest 11% p.a.

2. The above account shall vest in the treasurer of charitable endowments of India to be held by him for being applied in accordance with the scheme for the administration of the National Children's Fund, New Delhi, published with the notification of the Government of India in the then Department of Social Welfare No. S.O. 120 (E) dated the 2nd March, 1979 as amended from time to time.

[F. No. 13-7/91-TR-II]

M. P. S. SETHI, Dy. Director (S)

निय रीट, नयी दिल्ली - 110006 में जारी बांधकों से लुप्त रूप में प्रकाशन की इस तारीख को विज्ञापित होगा।

परिशिष्ट

जिला : रायगढ़ तहसील : मुरुड जंजरा राज्य : महाराष्ट्र

गांव	सर्वे नंबर	हिस्सा नंबर	गट नंबर	क्षेत्र हैक्टर	आर. नै. आर.
सालाव	5	2/1	—	—	55 20
भाग					

पेट्रोलियम और स्थायित्व संज्ञान

[स. 14016/63/90 ज.पं.]

(पेट्रोलियम और नैसर्गिक गैस विभाग)

नई दिल्ली, 24 अक्टूबर, 1991

## MINISTRY OF PETROLEUM AND CHEMICALS

(Department of Petroleum and Natural Gas)

New Delhi, the 24th October, 1991

का.स. 2821.—यह पेट्रोलियम और खनिज पार्ष्व लाइन (भूमि में उपयोग के अधिकार का प्राप्ति) अधिनियम 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस संस्थान की अधिसूचना का.स. (3262) दिनांक 9-11-1990 द्वारा केन्द्रीय सरकार ने इस अधिसूचना में संलग्न भूमि में खनिज भूमियों में उपयोग के अधिकार को पाश्चिमी लाईनों को बिछाने के लिये अर्जित करने का अपना प्राप्य घोषित कर दिया था।

S.O. 2821.—Whereas by Notification of the Govt. of India in the Ministry of Petroleum and Natural Gas S.O. No. 3202 dated 9-11-90 under sub-section 1 of section 3 of the petroleum and Minerals nine lines (Acquisition of right of user in land) Act 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of user in the lands specified in the schedule appended to that Notification for the purpose of laying Gas pipe line;

और आगे यह: मध्यम प्राधिकारी ने इस अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार की रिपोर्ट दिया है,

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government;

और आगे यह: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न भूमि में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिर्णय किया है,

And further whereas the Central Govt. has after considering the said report, decided to acquire the Right of user in the lands specified in the schedule appended to this Notification;

अथ अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि, इस अधिसूचना में संलग्न भूमि में विनिर्दिष्ट भूमियों में उपयोग का अधिकार पाश्चिमी लाईन बिछाने के लिये एतद्वारा अर्जित किया जाता है,

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this Notification is hereby acquired for laying the nine lines;

और आगे इस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि, उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय गैस अथवा गैसी ऑफ इंडिया, 16 पित्तवाजी कामा प्लेस आर.के. पुरम

And further in exercise of powers conferred by sub-section (4) of the section 6, the Central Government directs that the Right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India, 16 PITTWAJI KAMA PLACE, R. K. PURAM, Ring Road New Delhi-110 066 free from encumbrance.

## SCHEDULE

Village : Salav Tahasil : Murud District : Raigad

Village	Survey Number	Hissa Number	Gat No.	Area		
				H.	Are.	C. Are.
Salav	5	2/1 Part	—	0	55	20

[No. 14016/63/90—GP]

का. भा. 2822 :—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि महाराष्ट्र राज्य, जिला—रायगड में मौजे बोरीस, तहसील—अलिबाग से मौजे सालाव तहसील—मुकट अजिरा तक नैसर्गिक गैस परिवहन के लिये पाईप लाईन गैस ग्रॉरिटी ऑफ इंडिया, गैस बिस्वींग, 16 भीकाजी कामा प्लेस, आर. के. पुरम, रिग रोड, नई दिल्ली 110066 द्वारा बिछाई जानी चाहिये ;

और यतः यह प्रतीत होता है कि ऐसी लाईनों के प्रयोजन के लिये एतद् अध्यादेश अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 की 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का अधिकार अर्जित करने का अपना आशय एतद् द्वारा घोषित किया है ;

बशर्त की उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के बीच पाईप लाईन बिछाने के लिये आक्षेप, सक्षम प्राधिकारी, गैस ग्रॉरिटी ऑफ इंडिया, प्रभु निवास दूसरा मण्डल, अलिबाग, जिला—रायगड को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ,

और ऐसा आक्षेप करने वाला हर व्यक्ति निम्नलिखितः यह भी कथन करेगा कि वह चाहता है कि उसकी तुल्यार्थ व्यक्तिगत स्वरूप में हो या किसी विधि व्यवहारी के माफ़त ।

## परिशिष्ट

राज्य : महाराष्ट्र		जिला : रायगड		तहसील : अलिबाग		
गांव	सर्व्हे नंबर	हिस्सा नंबर	पट नंबर	क्षेत्र		
				हेक्टर	आर	सें. आर
1	2	3	4	5	6	7
वेश्वी	4	0 पार्ट	—	—	07	83
	7	1 पार्ट	—	—	01	69
	7	2 पार्ट	—	—	02	17
	7	3-ए पार्ट	—	—	05	71
	7	4-ए	} पार्ट	—	00	42
	7	4-बी				

1	2	3	4	5	6	7
	8	1 पार्ट	—	—	04	93
	8	5 पार्ट	—	—	07	45
	15	1 पार्ट	—	—	00	40
	15	7 पार्ट	—	—	01	28
	16	1 पार्ट	—	—	05	60
	17	2-ए	} पार्ट	—	08	35
	17	2-बी				
	181	1 पार्ट	—	—	00	07
	181	2-बी पार्ट	—	—	00	79
	181	2-सी पार्ट	—	—	00	90

[ए. 14016/83/90—जी पी]

S.O. 2822.—Whereas it appears to the Central Government that it is necessary in the public interest that for the Transport of Natural Gas from Boris, Tahasil-Alibagh, District Raigad to village Salav, Tahasil-Murud Janjira, District Raigad in the state of Maharashtra, pipe line should be laid through the Agency of Gas Authority of India, 16, Bhikaji Cama Place, R. K. Puram Road, New Delhi-110066;

And whereas, it appears to the Central Government that for the purpose of laying such pipe lines, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals pipe lines (Acquisition of Right of user in the land) Act 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user in the lands referred in the schdudle :

Provided that any person interested in the said lands having any objection for laying the pipe lines through the said lands may refer any objection within 21 days from the date of the Notification, to the Competent Authority. Gas Authority of India, Prabhu Niwas, second Floor, Alibag, District-Raigad, Maharashtra State;

And every person making such an objection shall state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

State : Maharashtra District : Raigad Tahasil : Alibag

Village	Survey Number	Hissa No.	Gat No.	Area		
				Hector	Are	C. Are
1	2	3	4	5	6	7
Veshvi	4	0 Part	—	—	07	83
	7	1 Part	—	—	01	69
	7	2 Part	—	—	02	17
	7	3-A Part	—	—	05	71
	7	4 A	} Part	—	00	42
	7	4 B				

1	2	3	4	5	6	7
	8	1 Part	—	—	04	93
	8	5 Part	—	—	07	45
	15	1 Part	—	—	00	40
	15	7 Part	—	—	04	28
	15	1 Part	—	—	05	60
	17	2-A } Part	—	—	08	35
	17	2-B }	—	—	—	—
	181	1 Part	—	—	00	07
	181	2-B Part	—	—	00	79
	181	2-C Part	—	—	00	90

[No. 14016/63/90-G P]

नं. भा. 2823.—यतः केन्द्रीय सरकार को यह प्रतीत होता है की, लोकहित में यह आवश्यक है कि महाराष्ट्र राज्य, जिला रायगड में मीजे बोरिस, तहसिल—अलीबाग से मीजे सालाव, तहसील—मुकुड जंजिरा तक नैसर्गिक गैस परिवहन के लिये पाईप लाईन गैस अथॉरिटी ऑफ इंडिया, नई दिल्ली-110066 द्वारा बिछाई जानी चाहिये।

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिये एल्युपाबल अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का अधिकार अर्जित करने का अपना प्राश्य घोषित किया है।

बेगर्त की उक्त भूमि में हितयुक्त कोई व्यक्ति उस भूमि के मीजे पाईप लाईन बिछाने के लिये आक्षेप, सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया, प्रभु निवास दूसरा मजगा तहसील—अलीबाग को इस अधिसूचना की जारीत से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति धिनिर्दिष्ट: यह भी कथन करेगा की यह चाहता है कि उनकी मुनवाई व्यक्तिगत स्वरूप से हो या किर्स: बिधि व्यवहारी के मार्फत।

## परिशिष्ट

राज्य : महाराष्ट्र		जिला : रायगड		तहसिल : अलीबाग		
गांव का नाम	सर्वे नंबर	हिस्सा नंबर	गट नंबर	क्षेत्र	घार	सेंटीभार
(1)	(2)	(3)	(4)	(5)	(6)	(7)
सहाण	—	—	120 पार्ले	—	09	00
	—	—	121 पार्ले	—	08	70

—	—	170 पार्ले	—	01	05
—	—	316 पार्ले	—	06	80
—	—	327 पार्ले	—	07	56
—	—	398 पार्ले	—	02	95

[नं. 14016/63/90—जी. पी.]

राजीव मर्हब, उत्तराधिकार

S.O. 2823.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas from Boris, Tahasil-Alibag, District-Raigad to village Salav, Tahasil-Murud Janjira, District-Raigad in the state of Maharashtra, pipe line should be laid through the Agency of Gas Authority of India, 16 Bhikaji Cama Place, R. K. Puram, Ring Road, New Delhi-110 066.

And whereas, it appears to the Central Government that for the purpose of laying such pipe lines, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore in exercise of the powers conferred by sub-section (1) of section 3 of the petroleum and Minerals pipe lines (Acquisition of Right of user in the land) Act 1962, (50 of 1962) the Central Government hereby declares its intention to acquire the right of user in the lands referred in the schedule.

Provided that any person interested in the said lands having any objection for laying the pipe lines through the said lands may prefer any objections within 21 days from the date of the Notification, to the Competent Authority, Gas Authority of India, Prabhu Niwas, Second Floor, Alibag, District-Raigad, Maharashtra State.

And every person making such an objection shall state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

State : Maharashtra District : Raigad Tahasil : Alibag

Village	Survey Number	Hissa Number	Gat No.	Area		
				Hector	Are	C. Are
Sahan	—	—	120 Part	—	09	00
	—	—	121 Part	—	08	70
	—	—	170 Part	—	01	05
	—	—	316 Part	—	06	80
	—	—	327 Part	—	07	56
	—	—	398 Part	—	02	95

[No. 14016/63/90—GP]

RAJIV MEHRSHI, Dy. Secy.

विद्युत और पर्यावरणिक ऊर्जा स्रोत मंत्रालय  
(विद्युत विभाग)

नई दिल्ली, 29 अक्टूबर, 1991

का.आ. 2324.—केंद्रीय सरकार, विद्युत (प्रदाय) अधिनियम 1948 (1948 का 54) का धारा 29 का उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह विनिश्चित करती है कि इस अधिसूचना के राजपत्र में प्रकाशन का तारीख से, प्रत्येक ऐसा स्कीम जिसमें पच्चीस करोड़ रुपये से अधिक पूंजी-धन का प्रावधान हो, केंद्रीय विद्युत प्राधिकरण को उसका सहमति के लिये प्रस्तुत की जाएगी।

[फा. सं. 25(12)-91-डी (एस.ई.बी.)]

के. भार. भगवान, उप सचिव

MINISTRY OF POWER AND NON-CONVENTIONAL  
ENERGY SOURCES

(Department of Power)

New Delhi, the 29th October, 1991

S.O. 2824.—In exercise of power conferred by sub-section (1) of Section 29 of the Electricity (Supply) Act, 1948, (54 of 1948), the Central Government hereby decides that with effect from the date of publication of this Notification in the Official Gazette, every scheme estimated to involve a capital expenditure exceeding rupees twenty five crores only shall be submitted to the Central Electricity Authority for its concurrence.

[F. No. 25/12/91-D (SEB)]

K. R. BHAGWAN, Dy. Secy.

शहरी विकास मंत्रालय

नई दिल्ली, 11 अक्टूबर, 1991

का.आ. 2325.—यह एतद्वारा अधिपुष्टि किया जाता है कि दसवीं लोकसभा के सदस्य कर्नल राव राम सिंह को राजघाट समाधि अधिनियम 1951 (1951 का 41वाँ) का धारा 4 का उप-धारा (1) के खण्ड (घ) के अनुसार राजघाट समाधि समिति के एक सदस्य के रूप में चुना गया है।

[सं. 25011/7/85-इस्यू. 3]

एस. रंगानाथन, उप सचिव

MINISTRY OF URBAN DEVELOPMENT  
(Works Division)

New Delhi, the 11th October, 1991

S.O. 2825.—It is hereby notified that Col. Rao Ram Singh, a Member of the Tenth Lok Sabha, has been elected as Member of the Rajghat Samadhi Committee in accordance with clause (d) of sub-Section (1) of Section 4 of the Rajghat Samadhi Act, 1951 (No. 41 of 1951).

[No. 25011/7/85-W-3]

S. RANGANATHAN, Dy. Secy.

दिल्ली विकास प्राधिकरण

सार्वजनिक सूचना

नई दिल्ली, 29 अक्टूबर, 1991

का.आ. 2326.—केंद्रीय सरकार का, दिल्ली मुख्य योजना/क्षेत्रीय विकास योजना में निम्नलिखित संशोधन करने का प्रस्ताव है, जिसे एतद्वारा जनता की सूचना के लिये प्रकाशित किया जाता है। प्रस्तावित संशोधन के संबंध में यदि किसी व्यक्ति को कोई आपत्ति हो या कोई सुझाव देना हो तो वह अपनी आपत्ति या सुझाव लिखित रूप में नविव, दिल्ली विकास प्राधिकरण, विकास सचन, आई. एन.ए., "बी" ब्लॉक, नई दिल्ली को इस नोटिस के जारी होने की तारीख से तीस दिनों की अवधि के अंदर भेज दें। आपत्ति करने या सुझाव देने वाले व्यक्ति अपना नाम और पता भी लिखें।

संशोधन :

"जोल जी-14 (तिलक नगर क्षेत्र) में धाने वाले, पश्चिम में स्वयं पुनर्वास स्कीम से और उत्तर में नाले तथा मीठूदा सबक से, दक्षिण में गुरुद्वारे और ग्राम्य समाज मंदिर, से तथा सच्ची मंडी, सी. जी. एच. एस. औषधालय तथा वि. व. नि. की वागवानी नर्सरी से घिरे हुए लगभग 1 हेक्टेयर (2.47 एकड़) क्षेत्र के भूमि उपयोग को "आवासीय" उपयोग से "स्थानीय व्यावसायिक" उपयोग में बदलने का प्रस्ताव है।"

2. प्रस्तावित संशोधन को दर्शाने वाला नक्शा निरीक्षण के लिये उप-निदेशक कार्यालय, मुख्य योजना अनुभाग, विकास मीनार, छठी मंजिल

आई.पो. एस्टेट, नई दिल्ली में उक्त अवधि के अंदर सभा कार्य दिवसों में उपलब्ध होगा।

[सं. एफ. 20(15) 88-एम.पो.]

रणबीर सिंह, सचिव

# DELHI DEVELOPMENT AUTHORITY

## PUBLIC NOTICE

New Delhi, the 29th October, 1991

S.O. 2826.—The following modification which the Central Government proposes to make to the Master Plan/Zonal Development Plan for Delhi, is hereby published for public information. Any person having any objection or suggestion with respect to the proposed modification may send the objection or suggestion in writing to the Secretary, Delhi Development Authority, Vikas Sadan, I.N.A. 'B' block, New Delhi within a period of thirty days from the date of issue of this notice. The persons making the objection or suggestion should also give his name and address.

### MODIFICATION :

“(The land use of an area measuring about 1 hect. 2.47 acres) falling in Zone G-14 (Tilak Nagar Area) bounded by Slum re-housing scheme in the West Nallah and existing road in the North, Gurdwara and Arya Samaj Mandir in the South and vegetable market C.G.H.S. dispensary and M.C.D. horticulture nursery, is proposed to be changed from ‘residential’ use to ‘local commercial’.”

2. The plan indicating the proposed modification will be available for inspection at the office of the Deputy Director Master Plan Section, Vikas Minar, 6th Floor, I.P. Estate, New Delhi, on all working days within the period referred to above.

[No. F. 20(15)/88-MP]

RANBIR SINGH, Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 17 अक्टूबर, 1991

का. 2827.—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 20 की उपधारा (1) के अन्तर्गत में स्वास्थ्योत्तर चिकित्सा शिक्षा समिति का गठन करती है जिसमें निम्नलिखित सदस्य होंगे अर्थात्:—

केन्द्रीय सरकार द्वारा नामनिर्देशित

1. डा. एम. आर. मेहता,  
सं. 5, हॉस्पिटल रोड,  
जयपुर।
2. डा. ए. के. मुखर्जी,  
स्वास्थ्य सेवा अंतर महाविभाग,  
स्वास्थ्य सेवा महाविभाग,  
नई दिल्ली।
3. डा. एस. पी. त्रिपाठी  
भारतीय आयुर्विज्ञान अनुसंधान परिषद्,  
नई दिल्ली।
4. डा. एल. एच. हीरानंदानी,  
एफ. आर. सी. एस. (इंग्लैंड), बी. एल. एमो. (मदन),  
एफ. आर. पी. एस. (मुम्बई)  
द्वितीय मंजिल, ए-3 अमरखन्द  
मैसन, बाह्य, डब्ल्यू. सी. ए. मैडम कामा रोड से बाग, मुम्बई।

5. डा. (श्रीमती) ललिता कामेश्वरन,  
उप कुलपति,  
डा. एम. जी. आर. मेडिकल विश्वविद्यालय,  
पेरियार बिल्डिंग,  
52, ई.वी.के. सम्पत्त सलाई,  
वैपरी,  
मद्रास।

6. डा. एस. जेड. अहमद,  
निदेशक,  
शेर-ए-कश्मीर आयुर्विज्ञान संस्थान,  
कश्मीर।

भारतीय आयुर्विज्ञान परिषद् द्वारा निर्वाचित

1. डा. बी. रे चौधरी,  
220, लॉन्ग स्ट्रैट रोड,  
कलकत्ता।
2. डा. बी. सी. छप्परवाल,  
प्रोफेसर आफ फिजियोलॉजी,  
एम.जी.एम. मेडिकल कॉलेज  
इन्दौर (मध्य प्रदेश)
3. डा. बी. बी. त्रिपाठी,  
(सेवानिवृत्ति चिकित्सा प्रोफेसर),  
बक्सो नगर,  
कटक।

[(सं. बी. 11013/18/89-एम. ई. (पी) एम ई. (यूजी)]

## MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 17th October, 1991

S.O. 2827.—In pursuance of sub-section (1) of Section 20 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby constitutes the Postgraduate Medical Education Committee consisting of the following members, namely:—

### NOMINATED BY THE CENTRAL GOVERNMENT

1. Dr. S. R. Mehta,  
No. 5, Hospital Road,  
Jaipur-302001.
2. Dr. A. K. Mukherjee,  
Addl. Director General of Health Services,  
Directorate General of Health Services,  
New Delhi.
3. Dr. S. P. Tripathi,  
Indian Council of Medical Research,  
New Delhi.
4. Dr. L. H. Hiranandani,  
FRCS (Eng.), D.L.O. (Lond.),  
F.R.P.S. (Bombay),  
2nd Floor, A-3, Amarhand Manston,  
Next to Y.W.C.A., Madame Cama Road,  
Bombay.
5. Dr. (Smt.) Lalitha Kameswaran,  
Vice-Chancellor,  
Dr. M.G.R. Medical University,  
Periyar, Building,  
52, E.V.K. Sampath Salai,  
Vepery,  
Madras.
6. Dr. S. Z. Ahmed,  
Director,  
Sher-I-Kashmir Institute of Medical Sciences,  
Kashmir.

## ELECTED BY THE MEDICAL COUNCIL OF INDIA

1. Dr. B. Roy Choudhury,  
220, Lower Circular Road,  
Calcutta.
2. Dr. B. C. Chhanarwal,  
Prof. of Paediatrics,  
M.G.M. Medical College,  
Indore (M.P.).
3. Dr. B. B. Tripathy,  
(Retired Prof. of Medicine),  
Buxi Bazar,  
Cuttack.

[No. V-11013/18/89-ME(P)/ME(UG)]

का.भा. 2828.—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के अनुसरण में भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की अधिसूचना सं. का. भा. 138, तारीख 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में धारा 3 की उपधारा 1 के खण्ड (ख) के अधीन निर्वाचित शीर्षक के नीचे क्रम-संख्या 33 और 37 तथा उनसे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियां क्रमशः रखी जाएगी अर्थात् :—

“33. डा. बी. सी. छप्परवाल, प्रोफेसर ऑफ पोस्टग्रादुएट्स, एम. जी. एम. मेडिकल कालेज, हवेली (एम.पी.) 37, डा. बी. बी. जोशीमा, सी-6 प्रोफेसरस क्वार्टर्स, एम. पी. शाह मेडिकल कालेज, जामनगर।	इन्दौर विश्वविद्यालय     सौराष्ट्र विश्वविद्यालय
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[सं. बी-11013/9/90-एम.ई. (यू.जी.)]

S.O. 2828—In pursuance of sub-section(1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government hereby makes the following further amendments in the notification of the Government of India in the erstwhile Ministry of Health No.S.O.138 dated the 9th January, 1960, namely :—

In the said notification under the heading ‘Elected under clause(b) of sub-section(1) of section 2’ for Serial Numbers 33 and 37 and the entries relating thereto the following serial numbers and entry shall be respectively be substituted, namely :—

- “33. Dr. B.C. Chhanarwal      Indore University  
Prof. of Paediatrics,  
M.G.M. Medical College  
Indore (M.P.)
37. Dr.V.B. Dodiya      Saurashtra University  
C-6 Professor’ Quarters  
M.P. Shah Medical College,  
Jamnagar.

[No.V.11013/9/90-ME(UG)]

का.भा. 2829.—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के अनुसरण में, भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की अधिसूचना सं. का.भा. 138 तारीख 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है अर्थात् :—

उक्त अधिसूचना में, धारा 3 की उपधारा (1) के खण्ड 3 के अधीन नाम निर्देशित शीर्षक के नीचे क्रम संख्या 3 और उससे सम्बन्धित प्रविष्टि के सामने निम्नलिखित क्रम संख्या और प्रविष्टि रखी जाएगी, अर्थात् :—

“3. डा. एस.पी. त्रिपाठी,  
भारतीय आयुर्विज्ञान अनुसंधान परिषद्,  
अंसारी नगर,  
नई दिल्ली।”

[सं. बी.—11013/18/89-एम.ई. (पी.) (यू. जी.)]

एन. एम. यादव, डेस्क ऑफिसर

S.O. 2829—In pursuance of sub-section(1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby makes the following further amendments in the notification of the Government of India in the erstwhile Ministry of Health, No. S.O.138, dated the 9th January, 1960, namely :—

In the said notification, under the heading ‘Nominated under clause(e) of sub-section(1) of section 3’ against Sl.No.3 and the entry relating thereto the following serial number and entry shall be substituted; namely :—

“3. Dr. S.P. Tripathi,  
Indian Council of Medical Research,  
Ansari Nagar,

New Delhi

[No.V.11013/18/89-ME(P)(UG)]

H.N. YADAV, Desk Officer

नई दिल्ली, 23 अक्तूबर, 1991

का. भा. 2830.—केन्द्रीय सरकार भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के अनुसरण में भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की अधिसूचना सं. का. भा. 138, तारीख 9 जनवरी, 1960 का निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के खंड (क) के अधीन नामनिर्दिष्ट” शीर्षक के नीचे क्रम सं. 16 और उससे संबंधित प्रविष्टियों के सामने निम्नलिखित क्रम सं. और प्रविष्टियां रखी जाएगी अर्थात् :—

“16. डा. के. एस. बजा,      हरियाणा सरकार.”  
स्वास्थ्य सेवाओं का महानिर्देशक,  
हरियाणा सरकार,  
भंडीगढ़।

[सं. बी-11013/2/91-एम.ई. (यू.जी.) (पी.टी.)]

आर. विजयकुमारी, डेस्क अधिकारी।

New Delhi, the 23rd October, 1991

## MINISTRY OF LABOUR

New Delhi, the 10th October, 1991

S.O. 2830.—In pursuance of sub-section (1) of Section 3 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby makes the following further amendments in the notification of the Government of India in the erstwhile Ministry of Health, No. S.O. 138, dated the 9th January, 1960, namely :—

In the said notification under the heading Nominated under clause (a) of sub-section (1) of Section 3 against Serial Number 16 and the entries relating thereto the following serial number and entries shall be substituted, namely :—

"16. Dr. K. L. Bhatra,  
Director General,  
Health Services,  
Government of Haryana,  
Chandigarh  
Haryana Government."  
[No. V-11013/2/91-ME (UG) Pt.)]  
R. VIJAYAKUMARI, Desk Officer

गणतन्त्र और पर्यटन मंत्रालय

(गणतन्त्र विभाग)

नई दिल्ली, 16 सितम्बर 1991

का. भा. 2831.—अंतर्राष्ट्रीय विमानपत्तन प्राधिकरण, अधिनियम 1971 (1971 का 43) की धारा 3 की उपधारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, केन्द्रीय उत्पादन शुल्क एवं सीमा शुल्क बोर्ड वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के सदस्य (सीमा शुल्क) श्री सी. भुजंगस्वामी को भारत अंतर्राष्ट्रीय विमानपत्तन प्राधिकरण के बोर्ड में अंशकालीन सदस्य के रूप में तीन वर्षों की अवधि के लिए या उनके वर्तमान पद को छोड़ने तक इनमें से जो भी पहले हो, तत्काल से नियुक्त करती है।

[सं. ए. बी-24022/1/91-सी ई]

ए. एम. भारद्वाज, संयुक्त सचिव

## MINISTRY OF CIVIL AVIATION AND TOURISM

(Department of Civil Aviation)

New Delhi, the 16th September, 1991

S.O. 2831.—In exercise of the powers conferred by sub-section 3 of Section 3 of the International Airports Authority Act, 1971. (43 of 1971), the Central Government hereby appoints Shri C. Bhujangswamy, Member (Customs), Central Board of Excise and Customs, Department of Revenue, Ministry of Finance, New Delhi as a part-time Member on the Board of the International Airports Authority of India with immediate effect for a period of three years or till he relinquishes his present post, whichever is earlier.

[No. AV-24022/1/91-VF]

A. M. BHARDWAJ, Jt. Secy.

प्रसन्न मंत्रालय

नई दिल्ली 10 अक्टूबर, 1991

का. भा. 2832.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रवचन में, केन्द्रीय सरकार सैनेजरीस्ट ऑफ एम. ए. सी. डि. कोल केमिकल कम्प्लेक्स के प्रबंधन में संबद्ध नियोजनों और उनके कर्मचारियों के बीच प्रवचन में निर्दिष्ट औद्योगिक विवाद में प्रारंभिक श्री जे. कनकिट बिन्दी, चीफ लैबर कमिशनर (केन्द्र) के पदपत्र को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-10-91 को प्राप्त हुआ था।

S.O. 2832.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Arbitrator, Shri J. Kanakiah, Dy. Chief Labour Commissioner (Central) as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd., Coal Chemical Complex, and their workmen, which was received by the Central Government on 10-10-1991.

## ANNEXURE

BEFORE SHRI J. KANAKIAH, DEPUTY CHIEF LABOUR COMMISSIONER (CENTRAL), NEW DELHI, ARBITRATOR IN THE DISPUTE BETWEEN THE MANAGEMENT OF SINGARENI COLLIERIES COMPANY, LIMITED, COAL CHEMICAL COMPLEX, NASPUR AND THEIR WORKMEN REPRESENTED BY THE SECRETARY, SINGARENI COLLIERIES CLERICAL ASSOCIATION, COAL CHEMICAL COMPLEX, NASPUR

## PRESENT :

On behalf of the management :

- (1) Shri Ch. Venkateshwara Rao,  
Project Manager,  
Coal Chemical Complex.
- (2) Shri D. Satyanarayana,  
Personnel Officer,  
Coal Chemical Complex.

On behalf of the workman/Union :

- (1) Shri K. Rama Rao,  
Secretary,  
Singareni Collieries,  
Clerical Association,  
Coal Chemical Complex Branch.

## AWARD

The Government of India, vide Order No. L-22025(6)/91-IR (C-II) dated 18-4-91, referred the following industrial dispute between the management of Singareni Collieries Company Ltd., Coal Chemical Complex, Naspur and Singareni Collieries Clerical Association, Coal Chemical Complex for my arbitration. The terms of reference of the industrial dispute are as under :—

"Withholding of one increment w.e.f. 1-3-88 of Shri G. Tirupati Rao, Stenographer, by M/s. Singareni Collieries Company Ltd., Coal Chemical Complex".

The Secretary, Singareni Collieries Clerical Association, submitted his detailed views vide letter dated 22-5-91. The management of Singareni Collieries Company Ltd. submitted their detailed views vide their letter No. EST/2298 dated 21-5-91.

Brief facts of the case are given hereunder :—

Shri G. Tirupati Rao was appointed as Steno-typist (Clerk Grade II) in the Company w.e.f. 11-9-74 and worked as Steno-typist upto 12-8-79. During the period, he was paid steno allowance of Rs. 25 as applicable at the relevant period. He had opted to work as Clerk Grade II by foregoing steno allowance of Rs. 25 on health grounds. The management accepted his request and allowed him to work as Clerk Grade II by withdrawing the steno allowance w.e.f. 13-8-79. He was permitted to work as Clerk Grade I w.e.f. 1-3-81. While working as Clerk Grade I, the management directed him to work as steno-typist in Project Manager's Office w.e.f. 6-9-82. He continued to work as steno-typist from 6-9-82 to 29-4-83. During that period he was paid steno allowance of Rs. 50 as applicable at that time. Vide letter dated 13-8-82, the employee requested the management to redesignate him as steno-typist in any future vacancies. Without considering his request for posting him as steno-typist, the management directed him to work as Clerk Grade I w.e.f. 20-8-83. As Clerk Grade I, he was transferred to Accounts Department.

While working as Clerk Grade I, the Project Manager, Coal Chemical Complex, issued an Office Order No. EST-3894 dated 30-6-84/3-7-84 redesignating Shri Tirupati Rao as steno typist w.e.f. 2-7-84 (1st July being Sunday) on the basis of his application dated 13-8-82. In pursuance of the above order, Shri Tirupati Rao joined as steno typist on 16-7-84. The Deputy Chief Personnel Manager, Ballampalli, vide his Order No. P. BPA 60/2081 dated 9-8-84 fixed the pay at Rs. 1152 in the grade of Rs. 740-40-1062-45-1422, after merging Rs. 50, which was paid as steno allowance. It was mentioned that his basic pay at that time was Rs. 1062 and an increment would be due on 1-3-85. From 16-7-83 onwards, Shri Tirupati Rao has been continuously working as stenographer in the aforesaid grade. Up to 1987, he was granted increments due to him annually. Since the increment due on 1-3-88 was not granted, the employee submitted a representation to the Chief Administrative Officer on 12-1-89 requesting him to release the increment due to him on 1-3-88. Since no reply was received from the management, the employee submitted one more representation to the Director (Welfare and Administration) on 6-2-89. Another representation was submitted on 1-6-89 requesting the management to release the increment due on 1-3-88. Since no reply was received from the management, the Secretary, Singareni Collieries Clerical Association raised an industrial dispute before the Asst. Labour Commissioner (Central), Mancharial vide letter dated 21-11-88 stating the withholding of increment due to Shri Tirupati Rao w.e.f. 1-3-88 was unjustified. The Union, therefore, demanded that the annual increment due to Shri Tirupati Rao shall be released w.e.f. 1-3-88 onwards.

The representatives of the management stated that the Memorandum of Settlement signed between the Singareni Collieries Workers Union and the management on 26-6-84, inter alia, provided for the review of vacancies of stenographers. Item No. 9 of the settlement reads as under :—

“It is agreed that the vacancies of stenographers will be reviewed, identified and filled up within 3 months. It is further agreed that the steno-typist Grade II who are presently working shall be placed in stenographers Grade I by merging the steno allowance of Rs. 50 per month in their basic and fixing their pay at the next stage of the scale of Clerical Grade I. In future, there will be no designation or appointment as steno-typist in Grade II. The special stenography allowance of Rs. 50 per month now being paid to the stenographers in Clerical Grade I will also be merged in their basic pay and their basic pay shall be fixed in the next higher stage. This clause will be implemented with effect from 1-7-1984”.

The management submitted that the question of adding steno allowance of Rs. 50 as per the above-said settlement would not arise as Shri Tirupati Rao was redesignated as steno typist Grade II, working prior to the settlement only, should be placed in Stenographer Grade I by merging steno allowance of Rs. 50 per month in the basic pay and fix their pay at the next stage in the scale of Clerk Grade I. It was by mistake, Rs. 50 was added and the pay was fixed at Rs. 1152 as on 2-7-84 in the case of Shri Tirupati Rao. Since he was not steno typist as on the crucial date i.e. 1-7-84 and not drawing steno allowance of Rs. 50 as on the day, his pay fixation at Rs. 1152 was found to be incorrect and actually he was entitled to get basic pay of Rs. 1062 only. The wrong pay fixation was pointed out by the Singareni Collieries Workers Union and thereafter the matter was re-examined by the Audit department. Vide letter dated 10-5-85, the Audit Department directed the Project Manager, Coal Chemical Complex to re-fix basic pay of Shri Tirupati Rao as Rs. 1062 w.e.f. 2-7-84, and grant increment accordingly w.e.f. 2-7-84. As per the directions of the Audit Department, the management decided to re-fix his basic pay and grant increments accordingly and also recover the excess amount paid to the employee w.e.f. 2-7-84 upto 1-3-88. This recovery and grant of increment as per the basic pay revised by the Audit Department was objected by the employee and his Association. The management stated that they are prepared to grant increment due to Shri Tirupati Rao from 1-3-88

on the revised basic pay fixed at Rs. 1062 w.e.f. 2-7-84. It was further submitted that the grant of annual increment was never withheld and it was only at the request of the employee, the recovery of excess amount paid to him was stopped and the increments were not released.

The Union stated that the management is not at all justified in re-fixing the pay at Rs. 1062 w.e.f. 1-7-84, in recovering the excess amount paid to him and further withholding the increment due to him w.e.f. 1-3-88. The management, on the other hand, stated that the action taken by them is only correcting the mistake committed by them and re-fixing the pay is strictly in accordance with the agreement signed with the majority Union and the employee is not entitled to the merger of Rs. 50, the steno allowance, as he was not working as steno-typist prior to 1-7-84. The Union submitted that Shri Tirupati Rao was originally appointed as steno-typist and it is only on health grounds he opted for the post of Clerk. At the request of the management, he worked as steno-typist and requested the management to allow him to continue as steno typist and redesignate as steno-typist as early as from 1982 onwards. It is only on 30-6-84 the management issued orders redesignating him as steno-typist w.e.f. 2-7-84, since 1st July happened to be Sunday, a holiday. In view of his unblemished service as steno-typist since long, the Union requested to treat the original pay fixation as correct and allow him to draw the increment from 1-3-88 as per the original pay fixation.

The main issue referred for arbitration is as to whether the management is justified in withholding increment from 1-3-88 to Shri G. Tirupati Rao or not. The management contended that they have not withheld the increment due to Shri Tirupati Rao as alleged by the Union and it is only at the request of the employee, the excess amount paid to him because of initial wrong pay fixation was not recovered and increments due on revised basic pay, i.e. after deducting Rs. 50, the steno allowance, were not sanctioned. The Union, on the other hand, submitted that the basic pay was correctly fixed on redesignating him as steno-clerk after thorough scrutiny by internal audit and after due certification by the Controller of Accounts (Internal Audit). After hearing the views of the parties and considering other relevant factors, I am of the opinion that the management ought to have released the increments due to Shri Tirupati Rao and ought not to have withheld the annual increments due to him from 1-3-88 onwards. It may be true that the recovery of excess amount was not effected to and the basic pay was not revised at the request of the employee. While considering the request of the employee, the management ought to have released the increments due to him. To this extent the management does not appear to be justified in not releasing the increments due to Shri Tirupati Rao w.e.f. 1-3-88.

The main issue which led to the dispute was about the pay fixation on redesignating Shri Tirupati Rao as stenographer. As regards the facts, there is no dispute. It was admitted that the order, redesignating Shri Tirupati Rao as stenographer was passed on 30-6-84 on the basis of his representation dated 13-8-82. It was also a fact that the employee worked as stenographer from 11-9-74 to 12-8-79 and from 6-9-82 to 29-4-83. If the order dated 30-6-84 had been issued on the same date Shri Tirupati Rao would have been entitled to the benefits of term No. 9 of the settlement dated 26-6-84. As per this clause, the management is required to merge Rs. 50 as steno allowance in the basic pay of the stenographers and fix their basic pay in the next higher stage. This clause also provides that it would come into effect from 1-7-84 and there shall not be any designation or appointment as steno-typist in Grade II thereafter. If this term of the settlement is strictly implemented, the management should not have appointed Shri Tirupati Rao as stenographer either from 2-7-84 or from 16-7-84, the date on which he actually reported. Obviously, his appointment as stenographer w.e.f. 2-7-84 is in violation of the term No. 9 of the settlement on which the management is relying and trying to re-fix his pay after deducting Rs. 50 which was added as stenography allowance and the basic pay was fixed at Rs. 1152. As the order was passed on 30-6-84, i.e. prior to the day from which clause 9 of the settlement was to come into force and because of the fact that Shri Tirupati Rao had been working as steno-typist/stenographer from the beginning of his appointment, I am of the view that the management should not deprive him of the benefits conferred in clause 9 of the settlement.

The management's intention also appears to be the same



as they had issued the 'order, appointing Shri Tirupati Rao as stenographer on 30-5-1984 with a view to give the benefit of clause 9 of the settlement dated 26-6-84. Having treated him as stenographer on 30-6-84, extended the benefit of the above clause, and refixed the pay, the management on receipt of a complaint from rival union, reviewed its decision and holds that the earlier fixation of pay was erroneous and his pay shall be fixed at Rs. 1062, i.e. without adding Rs. 50 as steno allowance. The date of issue of the order is equally important and in strict compliance of the terms of the settlement, the management could not have appointed him as stenographer after 1-7-84. In the circumstances, I am of the opinion that the management shall not revise the basic pay as directed by Audit department vide letter dated 10-5-88 and should allow Shri Tirupati Rao to continue to draw his pay as fixed by the Deputy Chief Personnel Manager, Bellampalli, vide his letter No. P. BPA. 60/2081 dated 9-8-84. Accordingly, the management is hereby directed to release the increments due to Shri Tirupati Rao from 1-3-88 onwards as per the basic pay originally fixed by the management.

I give my award accordingly.

Dated : 3-10-1991.

J. KANAKIAH, Dy. Chief Labour Commissioner (C)  
and Arbitrator  
[No. L-22025/6/91-IR (C. II)]

नई दिल्ली, 15 अक्टूबर, 1991

का. आ. -- 2433 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैनेजमेंट आफ फूड कॉर्पोरेशन आफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अत्युच्च में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-10-91 को प्राप्त हुआ था।

New Delhi, the 15th October, 1991

S.O. 2833.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on 14-10-1991.

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 8 of 1991

#### PARTIES :

Employers in relation to the management of Food Corporation of India

#### AND

Their workmen.

#### PRESENT :

Mr. Justice Manash Nath Roy, Presiding Officer.

#### APPEARANCE :

On behalf of management—Mr. S. Karmakar, Advocate.  
On behalf of workmen—Mrs. A. Mukherjee, Advocate  
—for F.C.I. Workers Union.

Mr. S. Patra, General Secretary—for F.C.I. (O.S.M.  
—Budge-Budge) Contract Labour Union.

STATE West Bengal INDUSTRY : Food Corpn.  
2821GH/91-3

#### AWARD

By Order No. L-22025(18)/90-IR (C. II) dated 3-9-91 the Government of India, Ministry of Labour referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Food Corporation of India, Office of the Joint Manager (Port Operation), Four Mango Lane, Calcutta-1, in not absorbing the 214 workers (list enclosed) working under Direct Payment System, and not giving them seniority is justified? If not, to what relief the workmen entitled to?"

2. The order dated 3-9-1991 passed by the Hon'ble High Court at Calcutta, duly countersigned by the Court Officer was produced. It appeared that the Hon'ble High Court disposed of the Writ Petition by striking out the order of reference.

3. In view of the order of the Hon'ble High Court, the proceedings of this Tribunal is no longer permissible.

4. As such, the reference is disposed of.

Dated, Calcutta,

The 23rd September, 1991.

MANASH NATH ROY, Presiding Officer  
[No. L-22025/18/90-IR (C. II)]

List of 181 group of workmen of Food Corporation of India, Orient Jute Mill Food Storage Depot, Budge-Budge (West Bengal) Ref. Item (a)(i) above.

1. Puntilal Rout
2. Kuber Sahoo
3. Baijnath Sahoo
4. Umesh Mahato
5. Rambaran Mahato
6. Birinchi Dehuri
7. Bhola Paswan
8. Jugal Ram
9. Singeswar Yadav
10. Parmeswar Yadav
11. Arjun Mahato
12. Ramsevak Mahato
13. Amarnath Yadav
14. Baldeo Yadav
15. Dina Yadav
16. Jugal Paswan
17. Rambachan Yadav
18. Mahendra Yadav
19. Ramdhari Yadav
20. Indradeo Ram
21. Suresh Yadav
22. Anil Kumar Yadav
23. Nehru Khan
24. Sarat Kumar Mahapatra
25. Suresh Yadav
26. Mahadeb Yadav
27. Narahari Roy
28. Jabahar Majhi
29. Kishori Shaw
30. Bhola Paswan
31. Prabhu Yadav
32. Chatradhari Yadav
33. Gopal Sharma
34. Krishna Sardar

35. Parikhit Dalai
36. Hiralal Mahato
37. Mahendra Paswan
38. Ramprit Tati
39. Baleswar Majhi
40. Bishu Tati
41. Rambahadur Paswan
42. Ram Rajbanshi
43. Haribandhu Rout
44. Gopesh Mahato
45. Indradeo Paswan
46. Ramprit Yadav
47. Jagdish Mahato
48. Suresh Mahato
49. Debendra Ram
50. Jiten Mahato
51. Birabar Lenka
52. Sachindra Singh
53. Rambahadur Rai
54. Ramdhari Yadav
55. Padmacharan Sahu
56. Haru Biswal
57. Chakradhar Sahu
58. Shiba Prasad Mahanty
59. Abhiram Mahanty
60. Raj Kishore Mahanty
61. Srikanta Mahato
62. Kapil Ram
63. Banawari Mahato
64. Keshab Debnath
65. Kartick Chandra Das
66. Upendra Kumar Singh
67. Hari Pada Debnath
68. Krishna Pada Burman
69. Sadhan Sarkar
70. Sujit Bhowmick
71. Kisum Sarkar
72. Gurupada Bakra
73. Hari Das
74. Bhuneswar Yadav
75. Mahadeo Paswan
76. Rambadan Yadav
77. Ramanuj Ram
78. Jababar Mahato
79. Tilo Mukhia
80. Bharatlal Yadav
81. Ramprayag Mahato
82. Ram Chandra Paswan
83. Kali Charan Mahapatra
84. Kishori Mahato
85. Ramjaga Yadav
86. Jalibi Shaw
87. Smt. Sunina Debi
88. Smt. Karedha Debi
89. Smt. Angurbala Das
90. Smt. Manguli Debi
91. Bhagabat Mukhiya
92. Kamuna Mahato
93. Bindeswar Podar
94. Ramabatar Mahato
95. Shibalak Mahato
96. Bos Bahadur
97. Asoke Prosad Singh
98. Bhagban Das Ram
99. Manoj Paswan
100. Bhagat Paswan
101. Prahallad Mahato
102. Sunil Kumar Mahato
103. Bidyadhar Mahato
104. Siyaram Mahato
105. Banamali Patra
106. Kanduri Parida
107. Kameswar Yadav
108. Jogendra Prasad Ray
109. Debasish Banerjee
110. Maniklal Samaddar
111. Swapan Mallick
112. Mahesh Rai
113. Gurupada Bagri
114. Satipada Bagri
115. Subash Choudhury
116. Chandraswar Mondal
117. Gitra Paswan
118. Anil Mahato
119. Pramada Biswal
120. Prafulla Nayak
121. Dhaneswar Lenka
122. Bimal Mondal
123. Kameswar Paswan
124. Kailash Prasad
125. Kanhoi
126. Trinath Sahoo
127. Smt. Sukumari Guri
128. Lasmi Dhar
129. Bharat Rai
130. Sonelal Rai
131. Sankar Ram
132. Kari Prosad
133. Ram Probesh
134. Ram Nath
135. Kailash Prasad
136. Hardeo Prosad
137. Bindeswari
138. Chhoten Yadav
139. Jogeswar Prasad
140. Ram Badan
141. Ram Naresh Sahani
142. Uma Sankar
143. Satya Narayan
144. Ram Lal
145. Ramnath
146. Shib Kumar
147. Sagar
148. Amalendu Bera
149. Shyamal Das
150. Goutam Sanatt
151. Kamal Nath
152. Joyanta Mitra
153. Swapan Das
154. Nitya Nanda Das
155. Ashoka Datta
156. Rama Sagar Paswan
157. Rambilash Mukhiya
158. Abdul Kalam
159. Purna Chandra Pradhan
160. Giridhari Das
161. Mahendra Kumar Sahoo
162. Sarat Kumar Parida
163. Kumar Pradhan
164. Ram Naresh Mahato
165. Harkhit Ram
166. Ram Chandra Yadav
167. Rajendra Sahoo
168. Bhagat Sharma
169. Mantu Mukhiya
170. Laxman Thakur
171. Hiralal Yadav

172. Ram Kishore Yadav
173. Bajrangi Ram
174. Shyamal Banerjee
175. Haresh Kumar Bhol
176. Gobinda Mondal
177. Ajoy Kumar Sahoo
178. Binoda Choudhury
179. Gopal Bera
180. Bharat Prosad
181. Ram Sebak

Dated, the 12th November, 1990  
Village and P.O. P. N. Pur  
Budge Budge-743319

Signature of the 33 workmen.

1. (Sailendra Nath Dhara)
2. (Samir Ghosh)
3. (Anup Ghosh)
4. (Badal Mondal)
5. (Ajit Mondal)
6. (Dheraj Mondal)
7. (Arun Mishra)
8. (Kanai Manna)
9. (Chitta Ranjan Das)
10. (Uttam Kumar Das)
11. (Rabin Sengupta)
12. (Dasarathi Mondal)
13. (Brojen Malick)
14. (Sukdeb Majhi)
15. (Swapan Mondal)
16. (Lakhmi Kanta Khara)
17. (Paresh Dhara)
18. (Sukumar Malick)
19. (Bhabesh Manna)
20. (Sukumar Nath)
21. (Nilmoni Hazra)
22. (Anup Manna)
23. (Shyamal Manna)
24. (Arabinda Paul)
25. (Goutam Khara)
26. (Sanat Paul)
27. (Kamal Pakhira)
28. (Subir Das)
29. (Arun Khara)
30. (Subrata Khara)
31. (Shambhu Khara)
32. (Nimai Mondal)
33. (Bablu Mondal)

का. आ. 2834—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इसके द्वारा औद्योगिक विवाद अधिनियम, 1947 की धारा 33-क के अन्तर्गत श्री अरविंद सिंह, पुत्र श्री दंडुभूषण सिंह एजी. III (डिपो), भारतीय खाद्य निगम, खाद्य भंडार डिपो कोडरमा, हजारीबाग द्वारा क्षेत्रीय बंधक, भारतीय खाद्य निगम अरुणाचल बिन्डिंग एग्रीसीबीस रोड पटना के विरुद्ध दायर की गयी शिकायत जो केन्द्रीय सरकार को, 7 अक्टूबर 1991 को प्राप्त हुए पर अनुबंध में दर्शाये गये अनुसार केन्द्रीय सरकार औद्योगिक अधिकरण सं. -2 धनबाद के पंचाट को प्रकाशित करती है।

S.O. 2834.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad, as shown in the Annexure, on the complaint filed by Shri Arvind Singh, S/o Sri Indubhushan Singh, Ag. III (Depot), Food Corporation of India, Food Storage Depot, Koderma, Hazaribagh against the Sr. Regional Manager, Food Corporation of India, Arunachal Building, Exhibition Road, Patna under Section 33-A of the Industrial Disputes Act, 1947, which was received by the on the 7th

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

In the matter of a complaint under Section 33A of the Industrial Disputes Act, 1947

(Arising out of Reference No. 4 of 1990)

### COMPLAINT NO. 1 OF 1990

#### PARTIES :

Shri Arvind Singh, S/o Sri Indubhushan Singh, Ag. III (Depot), Food Corporation of India, Food Storage Depot, Koderma, Hazaribagh. ...Complainant.

Versus

The Sr. Regional Manager, Food Corporation of India, Arunachal Building, Exhibition Road, Patna. ...Opp. Party.

#### APPEARANCES :

On behalf of the complainant-- Shri Vijayendra Kumar, State Joint Secretary, F.C.I. Executive Staff Union, Patna.

On behalf of the Opp. Party--Shri Ram Jiwan Shah, Deputy Manager (Vig. & Sec.).

STATE : Bihar,

INDUSTRY : Food.

Dhanbad, the 23rd September, 1991

#### AWARD

This is an application under Section 33A of the I.D. Act, 1947 filed by Shri Arvind Singh, Asstt. Grade-III (Depot) FCI for violation of Section 33(1) and (3) of the I.D. Act, 1947.

2. The complainant stated that the Opp. Party who is the Sr. Regional Manager, FCI Patna is guilty of contravention of provision of Section 33 of the I.D. Act, 1947. It was submitted through the complaint that there was already Ref. No. 4/90 regarding promotion, pay fixation and stagnation increment pending before this Tribunal. But the Opp. Party during the pendency of the aforesaid reference passed an Order dated 25th May, 1990 suspending the complainant on the same and identical grounds which was the subject matter of the Reference No. 4/90. The complainant has further alleged that he is a protected workman being the Joint District Secretary of Trade Union and thus his suspension is violation of Section 33(3) of the I.D. Act, 1947.

3. It was contended that in Ref. 4/90 the point for consideration was as to whether the promotion can be withheld on the ground of conviction dated 7th October, 1986. The complainant had submitted his explanation but the management did not take any steps on the basis of the conviction since 7th October, 1986 and in the meantime he was promoted. It was submitted that the presumption would be that the explanation submitted by the complainant had been accepted by the management O.P. and the stigma of conviction was condoned and that the O.P. management was not justified to suspend the complainant on the basis of aforesaid conviction after expiry of about 3-1/2 years. Accordingly it has been prayed to pass an Award in favour of the complainant holding that the action of the O.P. management in passing the suspension order dated 28th May, 1990 during the pendency of the Reference No. 4/90 without obtaining previous permission of the Tribunal is in contravention of Section 33 of the I.D. Act, 1947 and the same is illegal and unjustified.

4. The management O.P. filed W.S. assailing the grounds taken by the complainant Arvind Singh and thus praying the Tribunal to dismiss the complaint holding that there was no contravention of provision of Section 33 of the I.D. Act. Admittedly, there was a Reference No. 4/90 for adjudication regarding 3 aspects of the matter by this Tribunal namely promotion of workmen, revision of pay in the revised pay scale and sanction of stagnation increments. The schedule of the reference may be reproduced here as follows :

"Whether the action of the man-

of "

Order No. 479/88 dated 24th November, 1988 in respect of Sri Arvind Singh (while other workmen facing vigilance and criminal cases were promoted) and denying pay fixation in the revised scale of pay w.e.f. 1st August, 1983 and stagnation increment w.e.f. 8/84, is legal and justified? If not, to what relief the workmen concerned is entitled?"

6. The O.P. management stated that the reasons for suspension were of 2 folds i.e. conviction of the complainant by CBI Court, Patna and initiation and pendency of departmental proceeding on account of an act of fraud committed by the complainant workman. It was submitted that the subject matter of dispute under Ref. 4/90 and the ground of suspension are not same and identical as alleged in the complaint petition.

7. The O.P. management has also given an account of the series of litigation. It is stated that the O.P. management consequent upon the criminal charge by CBI Patna vide case No. 17/82 (Court case No. 10/82) issued suspension order dated 7th January, 1983. It has been given detailed account as to how a series of legal litigations were fought right from the Court of Munsiff to the Apex Court and as a result of which suspension order aforesaid could not be implemented till March, 1990. It is further submitted that as a follow up action on account of the conviction of the complainant proposed action on show cause (Ext. M-5) dated 4th August, 1987 also could not be finalised due to the dispute raised before the ALC(C) Patna. Lastly it was submitted by the management that the concerned workman was not a protected workman on the ground that no union representative ever submitted any letter claiming that the complainant was a protected workman. It was also submitted that the suspension pending enquiry of criminal trial or after conviction is not a punishment nor change of condition of service. On these grounds it has been urged that the complaint petition does not warrant any merit and it be dismissed and that the suspension of the complainant by the O.P. management did not contravene any provision of Sec. 33 of the I.D. Act.

8. In view of the facts stated above the main point for consideration is as to whether the action of the management in issuing suspension order during the pendency of Ref. No. 4/90 contravenes any provision of Section 33 of the I.D. Act?

9. First of all I may point out the necessary provision of Section 33 sub-clause (1) of the I.D. Act which provides that no employer shall in regard to any matter connected with the dispute alter, to the prejudice of the workman concerned in such dispute, the condition of service applicable to them immediately before the commencement of such proceeding or for any misconduct connected with the dispute discharge or punish whether by dismissal or otherwise any workman concerned with such dispute save with the express permission in writing to the authority before which the proceeding is pending.

10. According to the management the subject matter of dispute under Reference No. 4/90 and the ground of suspension were not the same and identical and hence there was nothing wrong when the workman was suspended without seeking any permission of the authority concerned.

11. I have already dealt with the schedule of the reference. Now at this stage we may refer to the Award dated 20th July, 1990 passed in Ref. No. 4/90 by this Tribunal. The photo copy of the Award is Ext. W-3. From the Award it appears that the workman and the management both had filed their W.S. From the W.S. of the management as referred to in the Award itself it appears that almost same ground namely the conviction by the Criminal Court was taken against the concerned workman. It was stated that the workman facing criminal trial or convicted by the Court of Criminal charge cannot be promoted to the next higher post. The concerned complainant along with other co-accused were facing criminal case instituted by the CBI Patna in the Court of Special Judge, Patna by Court case No. 10/82 and 11/82 and the complainant was convicted in Case No. 10/82. It was stated that as the complainant had been convicted by the Court on criminal charge instituted by the CBI Patna, he is not entitled to get promotion to the next higher post and secondly the promotion of the conce...

has been held up on the ground of conducted which led to his conviction. It was further submitted on behalf of the management that regarding grant of stagnation increment the concerned workman not entitled to get it on the ground of pendency of the criminal proceeding and subsequent conviction by the competent Court. Thus it is clear that in the W.S. the management had taken the same ground of pending criminal case and subsequent conviction of the complainant workman by competent authority. While deciding the main issue the Court appeared to have framed 3 points for decision which were as follows:—

- (1) Whether the action of the management of FCI Patna by not giving effect to the promotion order dated 24th November, 1988 in respect of the concerned workman Shri Arvind Singh facing vigilance and criminal case is justified?
- (2) Whether the action of the management of FCI Patna is justified in denying pay fixation to the concerned workman in the revised scale of pay with effect from 1st August, 1983, and
- (3) Whether the concerned workman is entitled to stagnation increment with effect from August, 1984?

It may not be out of place to mention that all these issues were answered in favour of the concerned workman. Thus it is made clear that the Reference was answered in favour of the concerned workman. From the order recorded in the aforesaid Award and the W.S. of the management as disclosed from the Award itself will show that the criminal charge and subsequent conviction of the concerned workman was main ground for withholding his promotion and stagnation increment. Even while passing the suspension order dated 28th May, 1990 the conviction of the complainant by C.B.I. Court, Patna and the initiation of the departmental proceeding on account of the Act of fraud were taken into account. In the circumstances I am to hold that the subject matter of the dispute on the reference 4/90 and the ground of suspension were the same and identical.

12. The complainant Arvind Singh examined himself as WW-1 in the said complaint and he stated that the management suspended him during the pendency of Ref. No. 4/90 and for that no permission from the Tribunal was taken. He stated that he was suspended on the basis of conviction in the Criminal case on 7th October, 1986. The witness further stated that on the basis of the conviction order passed against him the management served him with a notice as to why he should not be suitably punished. He had given reply of the said notice vide Ext. W-2 but the management did not take any action and he was also promoted. The witness stated that the management suspended him to undo the order passed in the Award of Ref. 4/90. He stated that he was posted at Koherma at the time of suspension but his headquarters were transferred to Darbhanga vide the said suspension order. The witness stated that after an order of suspension he has not been paid subsistence allowance or any pay. The witness has been examined thoroughly but I find that there has been no cross-examination so far the non-payment of the subsistence allowance was concerned and therefore the said statement will be taken as ex parte evidence. The very statement of this witness is suggestive of the fact that there was change of the service condition. The witness lastly stated that his service condition has been changed by the suspension order and his stagnation increment has been stopped.

13. Two witnesses have been examined on behalf of the O.P. management. MW-1 Shri R. P. Bajpei is almost the formal witness and he has proved note sheets which have been marked Ext. M-4. The witness stated that the complainant was not a protected workman. I do not see that this aspect of the matter will be very necessary to be discussed here for the simple reason that there was already a change in the service condition after an order of suspension passed by the O.P. management. MW-2 is Shri S. Ganguly, Zonal Manager, FCI, Calcutta. He has proved a number of documents which have been marked Ext. M-5 to M-9. This witness also admitted that conviction of the complainant Shri Arvind Singh was one of the reason of his suspension.

14. I have discussed the matter threadbare and for the reasons stated above I am to hold that the

Complainant Shri Arvind Singh under suspension for the obvious reasons that there was already Ref. No. 4/90 pending adjudication before this Tribunal. Accordingly I am to hold that the action of the management in passing the suspension order dated 28th May, 1990 during the pendency of Ref. No. 4/90 without obtaining previous permission is a contravention of Section 33 of the I.J. Act and the same is illegal and unjustified. The complainant Shri Arvind Singh will be deemed to be on duty with full back wages and all other benefits from 28th May, 1990.

15. The O.P. management is therefore, directed to revoke his suspension order and reinstate him in his original job with full back wages and other benefits from 28th May, 1990 within one month from the date of publication of the Award. However, there will be no order as to costs.

B. RAM, Presiding Officer  
[No. L-22013/12/91-JR (C. II)]

का.आ. 2835.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई. सी. एल. शंकरपुर कोल्हारी के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-10-91 को प्राप्त हुआ था।

S.O. 2835.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Asansol, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Shankerpur Colliery of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 14-10-1991.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 23/91

#### PARTIES :

Employers in relation to the Management of Shankerpur Colliery of M/s. E.C.L.

AND

Their Workman.

#### APPEARANCES :

For the Employers—None.

For the Workman—Sri C. D. Dwevedi, Advocate.

INDUSTRY : Coal STATE : West Bengal  
Dated, the 3rd October, 1991

#### AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-sections (1) and (2A) of section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012 (475)/90-IR (C. II) dated the 19th April, 1991.

#### SCHEDULE

"Whether the action of the management of Shankerpur Colliery of M/s. ECL, P.O. Ukhra, Dist. Burdwan, in denying service linked increment to Shri Khederu Ahir, Boiler Fireman w.e.f. 1-1-83 is justified? If not, to what relief is the concerned workman entitled?"

2. During the pendency of the case today (3-10-91) Shri C. D. Dwevedi, the learned Advocate of the Union submits that he has no instruction from his Union to proceed with the case as the case is likely to be settled out of Court.

3. In the circumstances I have no other alternative but to pass a no dispute award in this case and accordingly a no dispute award is passed.

N. K. SAHA, Presiding Officer  
[No. L-22012/475/90-IR (C-II)]

नई दिल्ली, 16 अक्टूबर, 1991

का.आ. 2836.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिरिपुर एरिया हॉस्पिटल आफ मैसर्स ई. सी. लि. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-10-91 को प्राप्त हुआ था।

New Delhi, the 16th October, 1991

S.O. 2836.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Asansol, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sripur Area Hospital of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 14-10-1991.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 54/90

#### PRESENT :

Shri N. K. Saha, Presiding Officer.

#### PARTIES :

Employers in relation to the Management of Sripur Area Hospital under M/s. E.C. Ltd.

AND

Their Workman.

#### APPEARANCES :

For the Employers—Sri P. Banerjee, Advocate.

For the Workman—Sri Sanjiv Banerjee, Asstt. Secretary of the Union.

INDUSTRY : Coal STATE : West Bengal  
Dated, the 16th September, 1991

#### AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by Clause (J) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(189)/90-IR (C. II) dated the 30th November, 1990.

#### SCHEDULE

"Whether the action of the management of Sripur Area Hospital under M/s. E.C. Ltd., in not regularising Smt. Ratna Dutta, General Mazdoor as a Clerk in Gr. III w.e.f. 1-12-1982 with consequential benefits is unjustified? If not to what relief the workman is entitled and from what date?"

2. The case is called today (16-9-91) for hearing. Sri Sanjiv Banerjee, Asstt. Secretary of the Union submits that a talk of compromise is going on between the parties and the parties are not interested to proceed with the case and he has no objection if a no dispute award is passed.

3. In the given circumstances I find that there is no other alternative but to pass a no dispute award and accordingly a no dispute award is passed in this case.

N. K. SAHA, Presiding Officer

[No. L-22012/89/90-IR (C. II)]

A. H. MADANANI, Desk Officer

नई दिल्ली, 10 अक्टूबर, 1991

का आ 2837 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-10-1991 को प्राप्त हुआ था।

New Delhi, the 10th October, 1991

S.O. 2837.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 10-10-1991.

#### ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 115/88

In the matter of dispute between :

Shri R. S. Chauhan through Deputy General Secretary, State Bank of India Association, 2124/2, Hari Singh Nalwa Street No. 58, Karol Bagh, New Delhi.

Versus

Zonal Manager, State Bank of India, Region No. IV, 11, Sansad Marg, New Delhi.

#### APPEARANCES :

Shri P. P. Trikha—for the workman.

Shri P. K. Gupta—for the Management.

#### AWARD

The Central Government in the Ministry of Labour vide Order No. L-12012/241/88-D.III (A) dated 8-9-88 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the Regional Manager, State Bank of India, Region No. IV, New Delhi in imposing a penalty of stoppage of two annual increments of Shri R. S. Chauhan, Clerk is legal and justified? If not, to what relief is the workman entitled?”

2. The workman in his statement of claim alleged that he was charge sheeted vide charge sheet Ex. W-1 on five counts and thereafter an enquiry was initiated against him. In the departmental enquiry it was held that no case against him was proved.

3. The Disciplinary Authority, however, did not agree with the findings of the Enquiry Officer and found him guilty of charge No. 1 and imposed a penalty of stoppage of 4 increments for the year 1985-86, 87-88. This penalty was further reduced to two increments of 87-88 by the Regional Manager to whom a representation was made by the workman.

4. The workman thereafter approached the Government and the present reference was made by the Government.

5. The Management in its written statement alleged that the action of the management was fully legal and justified and the workman had committed a fraud which stood proved and instead of giving him swear penalty a lenient view has been taken in his matter by just stopping his two increments. Since the case has been established on charge No. 1 so the punishment awarded to the workman was fully justified.

6. The following issues were framed in this case :

1. Whether the domestic enquiry held against the workman is fair and proper?

2. As in the term of reference?

7. I have heard the representatives for the parties and have gone through the record. My findings on the issues above are as follows :

#### ISSUE NO. 1

8. The representative for the workman made statement that he had no objection to the domestic enquiry held in this case by the management. Since the enquiry officer had given a finding not holding the workman guilty of any charge the said enquiry was treated as correct. The Management has also not said even a word about it and I, therefore, held that the enquiry as conducted by the management in this case was fair and proper.

#### ISSUE NO. 2

9. As regards this issue it has been urged by the representative for the management that stoppage of two increments by the Regional Manager was a very lenient view taken by the management in case of the workman. The workman was not entitled to any other concession because charge No. 1 has already been found to be established by the Disciplinary Authority. The Disciplinary Authority had imposed a penalty of four increments which was reduced to two increments by the Regional Manager on personal hearing of the workman. The workman had committed fraud and as such the penalty imposed upon him being very minor in nature should be allowed to stand.

10. The representative for the workman on the other hand has urged that the statements of both the handwriting experts produced before the enquiry officer were contradictory and at least did not support the management. The Enquiry Officer had given his very clear finding that no case against the workman was proved. The appreciation of the evidence produced before the enquiry officer by the parties leads to the conclusion that no case against him was established and the Disciplinary Authority should have only accepted the report and no additional evidence to arrive at the conclusion of holding the workman guilty of charge No. 1 had come on the record making a ground for imposing punishment. The very sanctity of an enquiry would stand vitiated if the findings of the enquiry are not accepted by the management and the imposition of any punishment by the Disciplinary Authority while disagreeing with the enquiry officers report would not be justified. No case against the workman was established and the imposition of the penalty of two increments deserves to be set aside.

11. On perusal of the points urged before me by the representative for the parties. I am of the definite opinion that the findings of the Enquiry Officer in this case was the basis of the guilt or otherwise of the accused. The said Enquiry Officers after having conducted detailed enquiry came to the definite opinion that no charge against him was proved. He had heard both the parties before coming to that conclusion and that conclusion was actual conclusion on the facts of the case. The Disciplinary Authority while disagreeing with the conclusion of the Enquiry Officer

two increments by the Regional Manager only shows that all the three officers had disagreed with each other but were of the definite opinion that no loss to the bank has been caused by any act of the workman and it was the workman who had undergone mental agony for a period of more than two years while having remained under suspension. The grounds on the basis of which the Disciplinary Authority has based its conclusion in my view were not fully justified and the report of the Enquiry Officer as such holding him not guilty of any charge should have been accepted. Keeping in view the circumstances of this case the report of the Enquiry Officer subsequent orders of the Disciplinary Authority and the Regional Manager, the period for which the workmen remained suspended and above all the fact that no loss was caused to the bank by any act of the workman I hold that the penalty imposed upon the workman by stopping two increments was not justified in this case. Parties are, however, left to bear their own costs.

Dated : 24th September, 1991.

GANPATI SHARMA, Presiding Officer

[No. L-12012/241/88-D.III (A)]

नई दिल्ली, 15 अक्टूबर, 1991

का. आ. 2838.--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धन के संवद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2 मुंबई के पंचपट को प्रकाशित करती है, केन्द्रीय सरकार का 15-10-91 को प्राप्त हुआ था।

New Delhi, the 15th October, 1991

S.O. 2838.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 15-10-1991.

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, AT BOMBAY

Reference No. CGIT-2/2 of 1987

#### PARTIES :

Employers in relation to the Management of State Bank of India, Aurangabad

AND

Their Workmen.

#### APPEARANCES :

For the Employer—Shri P. K. Rele and Shri P. M. Palshikar Advocates.

For the Workmen—Shri R. B. Jaiswal and Miss. R. M. Oza Advocates.

INDUSTRY : Banking STATE : Maharashtra  
Bombay, the 30th September, 1991

#### AWARD—PART-I

The Central Government by their Order No. L-12012/288/85-D.II (A) dated 13-1-1987 have referred the following industrial dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947.

“Whether the action of the State Bank of India in relation to its Dhule Branch, Aurangabad, in dismissing from service Shri B. N. Thakur Cashier-

cum-Clerk, State Bank of India, Dhule Branch, with effect from 9-8-1984 is justified? If not, to what relief is the workman concerned entitled to?”

2. The case of the workman Shri B. N. Thakur as disclosed from the statement of claim (EA. 2) filed by him, in short, is thus :—

He was employed in the service of the State Bank of India in 1977. In 1981 he was working as a cashier-cum-clerk at the Dhule Branch. Certain allegations were made against him by a customer by name Ramkishan Ramgopal by his letter dated 7-10-1981 addressed to the Central Regional Manager State Bank of India, Pune. On 14-9-1981 the said customer had sent the cash amount of Rs. 3,980 with his son to the Bank for the payment of two Income Tax Challans for Rs. 1,230 and Rs. 1,750, totalling Rs. 2,980. The denominations mentioned on the back side of the Challans were 20 currency notes of Rs. 100 each, i.e. Rs. 2,000 and 198 notes of Rs. 10 each i.e. Rs. 1,980 and the total amount being Rs. 3,980. However while accepting the cash amount, the workman altered the figure of 20 to read as 10 in respect of the currency notes of Rs. 100 each, and the figure of the amount of Rs. 2,000 was corrected as Rs. 1,000 and it was shown that the total amount received by him was Rs. 2,980 instead of the amount of Rs. 3,980. It was alleged that the said workman did not return the excess amount of Rs. 1,000 received by him to the customer or his son. In the evening of that day the customer along with his son had come to the Bank, but the workman had already left the Bank. Therefore, the customer again came to the Bank on the next day. However, he was told by the workman that no excess payment was received by him.

3. Therefore, the Bank management issued a charge sheet dated 18-11-1981 against the workman alleging thus :—

(i) That as per the complaint from Shri Ramkishan R. Khandelwal dated 7-10-1981 an over payment of Rs. 1,000 was accepted against two Income Tax Challans tendered through his son on 14-9-1981 and the excess payment was not refunded to Shri Khandelwal.

(ii) The Cash Amount of Rs. 3,980 was accepted by the workman against the challans of Rs. 1,230 and Rs. 1,750 and the figure 20 appearing on the reverse of the challan was altered to 10.

(iii) The workman along with his father had approached the customer at his shop on 29-10-1981 for a compromise in the matter, and had requested him to receive the excess amount and to withdraw the complaint lodged by him with the Bank.

4. Shri S. G. Yardi, the Manager of the Accounts Department, was appointed by the Bank as the Enquiry Officer in the enquiry conducted against him. He gave ample opportunity to the customer to prove the allegations made by him against the workman. However, the customer had failed to prove the allegations, i.e. the charges made against the workman, by leading the necessary and sufficient evidence. Even though the enquiry was concluded on 3-4-1982, the Enquiry Officer held a further enquiry on 20-1-1983, i.e. after a period of about 9 months. The son of the customer had not stated anything in his evidence which would support the charges levelled against the workman. The two challans in question or their copies were not produced during the enquiry proceedings before the Enquiry Officer. The customer's complaint was vague, and the entire evidence on the record was unbelievable. However, the Enquiry Officer by his report dated 24-8-1983 held the Charge No. 1 proved against the workman. The charges Nos. 2 and 3 were held not proved by the Enquiry Officer.

5. In pursuance of the enquiry proceedings, the Regional Manager, Aurangabad, issued a show cause notice dated 27-3-1984 to him to show cause why he should not be dismissed from the Bank's service. The workman replied to it. However, the Regional Manager, Aurangabad by his order dated 9-8-1984 imposed the punishment of dismissal from service upon the workman. Against that order, the workman preferred an appeal to the Chief Regional Manager,

Aurangabad, who, without giving a personal hearing to the workman, dismissed it by his order dated 1-12-1984. Thereafter, the workman raised an industrial dispute before the Assistant Labour Commissioner (Central) Bombay. As the conciliation proceeding ended in failure, the Central Government made the present reference, as above.

6. The workman further alleged thus :—

As the charges Nos. 2 and 3 were not held not proved, the charge No. 1, which was based on the other two charges, could not also be held proved by the Enquiry Officer. While the incident in question had taken place on 14-9-1981, the customer had lodged his complaint with the Bank 23 days thereafter, i.e. on 7-10-1981. In the evening of the day of the incident in question, the workman had not left the Bank earlier, as alleged by the customer. The alleged episode has been made out against him because of some enmity. The workman was under a great mental tension because of the complaint lodged by the customer against him. Hence, his counsel had advised him to pay the amount of Rs. 1,000 to the customer to avoid further litigation, even though he had not received the excess amount of Rs. 1,000, and hence the workman's counsel paid the amount of Rs. 1,000 to the customer on 17-4-1982, which was received by him. The entire approach of the Enquiry Officer towards the evidence on record was wrong and incorrect. Therefore, the punishment of dismissal from service imposed upon him by the Bank management was unjust and illegal. Apart from that, the punishment of dismissal is too harsh, and disproportionate to the charges levelled against him. The workman therefore, lastly prayed that this Tribunal should set aside that order of dismissal dated 9-8-1984, and should direct the Bank management to reinstate him in service with full back wages and other service benefits. The workman alternatively prayed that in case this Tribunal would hold the charges as proved, some lesser punishment should be imposed upon him.

7. The Regional Manager of the Bank by his written statement (Ex. 3) opposed the said claim of the workman, and in substance contended thus :—

In the enquiry held against the workman, he was given full opportunity to defend himself. The charges found proved against him are of very grave and serious nature, and as such, the dismissal order was fully justified. The workman was working as a Cashier-cum-Clerk and as such, was holding the post of trust and confidence in him by the Bank. Due to the said acts of the workman, the Bank has lost the confidence in him, and as such, he is not entitled to any relief. The workman was appointed in the service of the Bank in the year 1977. In September 1981, he was working as a Cashier-cum-Clerk at the Dhule Branch. On 14-9-1981, the son of Shri R. R. Khandelwal had tendered two Income Tax Challans for Rs. 1,230 and Rs. 1,750 and had tendered the amount of Rs. 3,980 to the workman. On the day of the incident itself the customer had orally complained with the Bank that the workman had received an overpayment of Rs. 1,000 and had not returned back that amount to him. The customer had further alleged that the figure 20 appearing on the reverse of the challan was changed to 10, by the workman. The Enquiry Officer, after holding the necessary enquiry, found the workman guilty of the charge No. 1, by his order dated 24-8-1983. The appeal filed by the workman was dismissed by the Appellate Authority, and hence the workman came to be dismissed from the Bank's service.

8. The Bank management further contended thus :—

At no time the workman sought production of the original challans, although they were available. The workman has given no reason why the customer or his son should depose falsely against him during the enquiry proceedings. It is true that the

written complaint was filed by the said customer on 7-10-1981. However, an oral complaint was made by him on the day of the incident itself, i.e. on 14-9-1981. The written complaint was made by the customer when he was not able to recover the excess amount paid by him to the workman. The findings of the enquiry officer are quite just and proper. The workman's explanation regarding the payment of Rs. 1,000 to the said customer and the manner and the circumstances in which the amount was paid, do not disclose the conduct of an innocent person. If at all the workman desired to make the payment, the proper course for him was to make the offer to the Bank, and not to approach the customer and persuade him to withdraw the complaint. The workman is now employed elsewhere. The Bank management therefore, lastly prayed for the rejection of the prayer of the workman, and to uphold the action in question of the Bank management.

9. The Issues framed at Ext. 4 are :—

- (1) Whether the Enquiry Officer came to the wrong and incorrect conclusion against the workman, on the basis of the evidence placed before him ?
- (2) Whether the action of the State Bank of India in relation to its Dhule Branch, Aurangabad in dismissing from service Shri B. N. Thakur Cashier-cum-Clerk, with effect from 9-8-1984 is justified ?
- (3) If not, what relief is the workman concerned entitled to ?
- (4) What Award ?

10. The Issue No. 1 was tried as a preliminary Issue. My finding on that Issue is in the negative for the following reasons :—

#### REASONS

11. The workman Shri B. N. Thakur filed his affidavit at Ex. 15 and a further affidavit at Ex. 16, in support of his case, and he was cross examined on behalf of the Bank management. The Bank management filed the affidavit (Ex. 18) of the Enquiry Officer Shri S. G. Yardi in support of the case of the Bank management, and he was cross examined on behalf of the workman. In his affidavit the workman has raised several contentions which have not been raised by him in his statement of claim. As such, they cannot be considered at this later stage. Apart from that, I find that these contentions are not tenable in facts and in law. It is now contended by the workman in his affidavit that the enquiry held against him was not held properly and the rules of natural justice were not properly followed. However, I find that the enquiry conducted against him, was held properly, and the rules of natural justice were properly followed, as can be seen from the cross examination of the workman.

12. In his cross examination the workman stated and admitted thus :—

"A charge sheet was issued against him by the Branch manager of the Bank, that he was asked to submit his 'sav', and he replied to it. He was supplied with a copy of the complaint made by Shri Khandelwal against him, by the Bank. He did not ask for the inspection of that original complaint at any time. His counsel was defending him in the enquiry proceedings. The chargesheet was read out to him before the enquiry started. He had not raised any objection in the enquiry proceedings that the documents called for by him, were not produced by the Bank. He made a statement before the Enquiry Officer that in the interests of the Bank, he had repaid the amount of Rs. 1,000. After the recording of the evidence was over, his defence representative submitted his 'sav' to the Enquiry Officer. There are alterations on the back side of one of the two challans. In case any corrections are to be made on the challans they are made by the customer with his signature thereon."

Therefore, from the abovesaid statements made by the workman it is quite clear that the enquiry held against him



was held properly, and the rules of natural justice were properly followed.

13. According to the workman, the conclusions arrived at by the Enquiry Officer are wrong and incorrect. However, I find that his conclusion holding the workman guilty of charge No. 1 was quite just, correct, and proper, and was based on the oral and documentary evidence then placed before him during the course of the enquiry proceedings. The copies of the enquiry proceedings are at Ex. 7. The first charge against the workman was that he had accepted an overpayment of Rs. 1,000 from the customer Shri R. R. Khandelwal on 14-9-1981 without acknowledgement therefor against the two Income Tax Challans tendered by the son of the customer. The original Income Tax Challans dated 14-9-1981 are at Exs. 22 and 23. It will be seen therefrom that the amounts of Rs. 1,750 and Rs. 1,230 were to be deposited in the Bank. The total amount of these two figures comes to Rs. 2,980. On the reverse of the challan for Rs. 1,750 (Ex. 22), we find some alterations in the figures. It is seen therefrom that the figure 20, i.e. the 20 currency notes of Rs. 100 each, was altered to 10, and the figure originally appearing as Rs. 2,000 was altered to Rs. 1,000. The total figure of Rs. 3,980 was altered to Rs. 2,980.

14. The statement of the customer Shri R. R. Khandelwal was recorded before the Enquiry Officer on 3-3-1982. In his evidence he stated thus :—

“Both the challans were written by him. However, the amounts on the reverse of the challans were written by his son Prakash. He had handed over the amount of Rs. 3,980 to his son along with the two challans for Rs. 1,230 and Rs. 1,750.”

Thus the total amount to be deposited by his son in the Bank was Rs. 2,980. However, the customer Shri Khandelwal as stated by him in his evidence before the Enquiry Officer, had handed over Rs. 3,980 to his son for being deposited in the Bank against the said two challans. As such, it is quite clear that through inadvertence the customer had handed over an excess amount of Rs. 1,000 to his son. The son was called for his evidence before the Enquiry Officer. However, he did not attend the enquiry proceedings. Therefore, the Enquiry Officer made the endorsement below the enquiry proceedings dated 3-4-1982 that the enquiry proceedings were concluded on that day, and the parties were asked to submit their arguments in the matter. The Enquiry Officer, without recording any findings, sent the enquiry papers to the Bank management. Thereafter the Regional Manager by his letter dated 18-11-1982 (Ex. 8) requested the Enquiry Officer to restart the enquiry. Thereafter the evidence of the customer's son Prakash was recorded on 20-1-1983. It was urged on behalf of the workman that as the Enquiry Officer had already made an endorsement that he was concluding the enquiry, it could not have been lawfully restarted. I find that by restarting the enquiry, no legal infirmity has taken place in the enquiry proceedings. The customer's son Prakash stated in his evidence before the Enquiry Officer that whatever amount he had received from his father, he deposited it in the Bank. Thus, it is quite clear from the evidence of the customer's son that he had handed over the total amount of Rs. 3,980 to the workman, even though the amount to be deposited under the two challans was only Rs. 2,980. As such, the workman had clearly received an excess amount of Rs. 1,000 from the customer's son Prakash against the said two challans for Rs. 1,750 and Rs. 1,230 i.e., for Rs. 2,980. There is no reason for the customer Shri Khandelwal to depose falsely against the workman that he, i.e. Shri Khandelwal had handed over the amount of Rs. 3,980 along with the two challans for Rs. 2,980 and for his son Prakash to depose falsely that he had handed over all the amount i.e. Rs. 3,980 to the workman in the Bank on the day of the incident in question.

15. The workman stated in his statement of claim that because of his mental tension and the advice of his counsel, he paid the amount of Rs. 1,000 to the customer through his counsel and the customer accepted it. Thus it is an admitted fact that the workman paid an amount of Rs. 1,000 to the customer. However, the workman's contention that he paid the amount of Rs. 1,000 to the customer

to avoid the further litigation against him, is not acceptable to me. According to me, as the workman had received the excess amount from the customer, he returned it to him. In case he would not have received the excess amount, he, or any other ordinary person would not have returned it back to any customer. It is true that some of the documents now produced before this Tribunal, were not produced before the Enquiry Officer, and the copies of some of the documents were not supplied to the workman. However, as the documentary evidence on record before this Tribunal supports the said conclusion of the Enquiry Officer which was based on the oral and documentary evidence then placed before him, it is being considered were.

16. Ex. 25 is the letter dated 3-11-1981 by the customer Shri R. R. Khandelwal to the Central Regional Manager of the Bank, Poona that the workman Shri Thakur and his father had come to their shop on 29-10-1981 for compromise, and requested him to take the excess amount and to withdraw the complaint lodged by him. The customer sent a similar letter (Ex. 24) to the Bank again on 20-12-1981. The customer's son Prakash placed a letter (Ex. 26) before the Enquiry Officer, wherein he stated about the case of the customer. He also further stated in that letter that the workman and his father had been to their shop for a compromise and that the workman returned the amount of Rs. 1,000 to them on 17-4-1982. Ex. 27 is xerox copy of the receipt dated 17-4-1982 issued by the customer Shri Ramkishan R. Khandelwal to the workman Shri B. N. Thakur that he had received back the excess payment of Rs. 1,000 made to the workman on 14-9-1981. It is further seen from the receipt that the customer Shri R. R. Khandelwal was a gold and silver merchant. Adopted the amount of Rs. 1,000 has been paid by the workman to the customer. However, there was no reason for Shri Khandelwal and his son to make false allegation against the workman by the said letter that he had claim to their shop with a view to compromise the matter and requested them to witness then complaint. Therefore, the only inference and the conclusion that can be drawn is that the workman had illegally received the excess amount of Rs. 1,000 from Prakash Khandelwal, and hence he approached the customers Shri R. R. Khandelwal with a request to receive back the amount of Rs. 1,000 and to withdraw his complaint.

17. In the result, for the abovesaid reasons, I find that the conclusion arrived at by the Enquiry Officer on the basis of the oral and documentary evidence placed before him, holding the workman guilty of charge No. 1 is just, proper and correct, and his conclusion exonerating him of charges Nos. 2 and 3 are not incorrect and wrong. Issue No. 1 is, therefore, found in the negative.

Dated : 30-9-1991.

P. D. APSHANKAR, Presiding Officer

[No. L-12012/288/85-D.IV (A)]

नई दिल्ली, 21 अक्टूबर, 1991

का. आ. 2839.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार माउथ इण्डियन बैंक लि., के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में श्रम न्यायालय ऐरनाकुलम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-10-91 को प्राप्त हुआ था।

New Delhi, the 21st October, 1991

S.O. 2839.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court, Ernakulam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of South-Indian Bank Limited and their workmen, which was received by the Central Government on the 14-10-1991.

## ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(LABOUR COURT, ERNAKULAM)  
(Friday, the 4th day of October, 1991)  
Industrial Dispute No. 4 of 1990(C)

BETWEEN :

The Chairman, The South Indian Bank Ltd., Head Office, P.O. Trichur-680 001.

AND

The workman of the Bank Shri K. J. Joseph, Kottakalil House, P.O. Peechi, District Thrissur Kerala-680 653.

REPRESENTATIONS :

M/s. B. S. Krishnan & A. A. Davis,  
Advocates, Ernakulam. ...For Management

Shri P. Jacob Varghese, Advocate.

Selman Chambers, Ernakulam-For Workman.

AWARD

"Whether the action of the Management of M/s. The South Indian Bank Ltd., Head Office, Trichur, Kerala in terminating the services of Shri K. J. Joseph, trainee Peon (Gardner) in the Head Office of the Bank with effect from 29-4-1986 is justified? If not, to what relief the workman concerned is entitled?" is the issue referred for adjudication to this Court as per Order No. L-12011/95/89-IR (Bank)-I, dated 21 March, 1990.

2. Pursuant to the notice issued from this Court, both parties entered appearance and advanced their pleadings. But when the case was posted for evidence it was submitted that the matter was settled out of Court. A memo of compromise was also filed by the parties after duly signed by the parties. It is submitted that an award may be passed in terms of compromise and Management agrees to give regular employment as a fresh recruit to Shri K. J. Joseph as a Peon with effect from 21 August, 1991 and workman agrees to drop all past claims in the Management. All that I need to do is to pass an award as per its terms in view of this compromise. I do so.

Ernakulam, 4-10-1991.

R. RAVEENDRAN, Presiding Officer.

[No. L-12011/95/89-IR (Bank-I)]

S. C. SHARMA, Desk Officer.

नई दिल्ली, 10 अक्टूबर, 1991

का. आ. 2840.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 के अन्वय में, केन्द्रीय सरकार मथुरा पाईपलाइन प्रोजेक्ट, मथुरा रिकाइनरी, आई.ओ.सी. लि., मथुरा के प्रबन्ध तंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अन्वय में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-10-91 को प्राप्त हुआ था।

New Delhi, the 10th October, 1991

S.O.2840.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Salaya Mathura Pipeline Project, Mathura Refinery I.O.C. Ltd., Mathura and their workmen,

which was received by the Central Government on the 10-10-91.

## ANNEXURE

BEFORE SHRI SHARMA, PRESIDING OFFICER,  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL,  
NEW DELHI

I.D. No. 21/88

In the matter of dispute between  
Shri Kishan Singh s/o Shri Bhagwat Singh,  
(through the Secretary,  
Mathura Refinery Mazdoor Sangh,  
733-Radha Kishan Mandir,  
Chatta Bazar, Mathura

VERSUS

The Dy. Manager (Operations), Salaya Mathura Pipeline Project, Mathura Refinery, Indian Oil Corporation Ltd., Mathura.

APPEARANCES :

Shri Man Singh—for the workman.  
None—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-30012/27/87-D.II(B) dated 2-3-88 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the Dy. Manager (Operations) Salaya Mathura Pipeline Project of Indian Oil Corporation Ltd., Mathura was justified in terminating the services of Shri Kishan Singh s/o Bhagwat Singh, Casual Labour w.e.f. 22-7-85. If not, what relief the workman is entitled to?"

2. The workman Kishan Singh in the statement of claim, alleged that he worked with the management from 1-5-5 to 22-7-85 on regular basis under the Supervision of Sh. K. P. Sengupta Deputy Manager. He was being paid @Rs. 10 per day. He has never worked as a Contractor and has completed 240 days of his employment. On 23-7-85 he was not taken on employment nor he was given any proper information nor given any retrenchment compensation. He repeatedly requested the management to keep him in the job but was not employed thereafter. He went to the Deputy Labour Commissioner and thereafter the present reference was made by the government as the management had refused to take.

3. The Management in its written statement alleged that the workman was never employed by the management nor any relationship of master and servant exists between them. There was as such no industrial dispute between the parties. It has also been alleged by the management that the present reference has been made wrongly by the government and could not be heard. The alleged certificate issued by Sh. K. P. Sengupta does not show that the workman was engaged as a regular employee of the corporation. He was neither empowered to issue any employment certificate. The certificate was issued to him as a character certificate on approach by the workman. The employment is made in the corporation depending upon the vacancies and after going through established recruitment procedure and satisfying various norms and statutory obligations. The workman was never interviewed. The question of his recruitment did not arise. The Deputy Manager has no power to appoint any person and this power was vested in the General Manager/Deputy General Manager. The workman was however, entrusted intermittently with specific contractual job of grass cutting, cleaning of bushes, watering of khas khas mats during summer and cleaning of spillage of oil on other occasions. This was a purely casual contractual engagement and lump sum amount was paid to him for rendering these jobs. He issued receipts to this effect to the management. His status was that of an Independent Contractor and was never

employed as a servant of the corporation. Regular employment cards are issued to the employees and also identity cards. No appointment letter or identity card or employment card was ever issued to this workman and, therefore, the question of his becoming an employee of the management did not arise at all.

4. In support of their case the management examined Shri K. P. Sengupta Deputy Manager MW1 while the workman himself appeared as WW1. I have heard representative for the parties and have gone through the record carefully.

5. The Management in its arguments has urged that no relationship of master and servant exists between the parties. He was never employed by the management. He was only entrusted intermittently with specific contractual job of grass cutting cleaning of bushes and watering of khas khas mats etc. The jobs were purely casual in nature and no certificate or employment card was ever issued to him and the points stated in the arguments were the same as stated in their written statement by the management.

6. The workman in his arguments, however, submitted that as per certificate of the Deputy Manager dated 25-6-84 he was working for the last one year as a casual labour. Once he had been engaged on a casual labour procedure for terminating his services should have been followed as laid down in the Industrial Disputes Act. No Retrenchment compensation was given to him nor one month pay was given to him at the time of his termination.

7. A perusal of the arguments addressed by the representative for the parties leads me to the conclusion that the management in this case is a Government of India undertaking with a regular procedure for recruitment grant of increments and working within the corporation. In the present case the only reliance of the workman is on a certificate issued by Sh. K. P. Sengupta Deputy Manager. Shri K. P. Sengupta being Deputy Manager only is a grade 'C' officer not competent to appoint any person. The power of appointment is with the Chief Operations Manager who is a grade 'F' officer as is clear from the delegation of powers effective from 1-4-1980 attached with the written arguments of the management. In any case the certificate of K. P. Sengupta does not in any way prove that the workman was a regular employee of the corporation and in that certificate he has stated that the workman was working for the last one year as a purely casual labour. Receipts which the workman has denied having been issued by him though the management has produced the photo copies of these receipts which pertain to the year 1984-85 vide these receipts consolidated amounts were received by the workman for specific jobs done by him. The workman in his cross-examination denied his signatures on these receipts but they were proved as signatures by Sh. K. P. Sengupta who appeared as a witness on behalf of the management. No appointment letter or any other documents showing that the workman ever worked with the management has been produced by the workman to substantiate his claim and there seems to be no reason to disbelieve the receipts produced by the management which was a Government of India undertaking regarding the payments made to him for the specific jobs done by him. These receipts clearly show the workman having worked for specific jobs and consolidated amounts were received by him. The workman could have got produced any account books of the management to establish the payments made to him if he was a regular or even a casual labour engaged on monthly basis or even daily wages. No such demand was made by the workman and I do not find any reason to disbelieve his receipts which have been produced by the management in this case.

8. Keeping in view all the circumstances and my discussion above I am of the definite opinion that the relationship of employer and the employee does not exist between the parties in this case and the question of termination of the services of the workman, therefore, did not arise at all. I, therefore, hold that there was no termination of the services of the workman who was working as contractor for perform-

ing specific jobs and, therefore, was not entitled to any relief under this reference from this court. Parties are, however, left to bear their own costs.

25th September, 1991

GANPATI SHARMA, Presiding Officer.

[No. L-30012/27/87-D.III(B)]

नई दिल्ली, 15 अक्टूबर, 1991

का.आ. 2841.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन एयरलाइन्स, नई दिल्ली के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण आंध्र प्रदेश हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-10-91 को प्राप्त हुआ था।

New Delhi, the 15th October, 1991

S.O. 2841.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Andhra Pradesh, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Airlines, New Delhi and their workmen, which was received by the Central Government on the 14-10-91.

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

Industrial, Dispute No. 28 of 1988

#### BETWEEN

The Workmen of Indian Airlines, New Delhi—Petitioner Workman

#### AND

The Management of Indian Airlines, New Delhi. Respondent/Management.

#### APPEARANCES:—

Survasri A. K. Jayaprakash Rao, P. Damodhar Reddy, V. N. Goud and Ch. Laxminarayana, Advocates for the Workman.

M/s. R. N. Karanjawala, Mrs Manik Karanjawala, MS. Meenakshi Arora, Mr. Hardeep Anand, Mr. Jalinder Sethi, Mr. Ajaya Kapur, Ms. Nandini Gore, Mr. Atul Chitula, Mr. Ravender Kumar, M/s. Binduchhib and Mrs. V. S. Rekha for the Management.

Dated : 13th September, 1991

#### AWARD

This is a reference made by the Government of India, Ministry of Labour, by its Order No. L-11012/19/87-D.II(B) dated 29-2-1988 for adjudication of industrial dispute between the Management of Indian Airlines, New Delhi and their workmen setting forth the point for adjudication in the schedule appended thereto as follows :

"Whether the action of the management of Indian Airlines, New Delhi in terminating Miss. Jhansi Rani, Air Hostess from services with effect from 4-3-85 is legally justified? If not, to what relief the workman concerned is entitled, and from what date?"

The said reference was registered as I.D. No. 28 of 1988 on the file of this Tribunal. After receiving the notice, both parties put in their appearance and the Petitioner filed the claim statement on 28-3-1988 and an additional claim statement on 7-5-1988 and the Respondent filed counter on 7-5-1988 and the Respondent filed counter on 7-5-1988 and an additional counter on 18-6-1988.

2. The averments of the claim statement filed by the Petitioner read as follows :

It is most respectfully submitted that the Petitioner, **Ms. Jyoti Kaul** belongs to the scheduled tribe community, Sub-Caste, Koya. She was appointed as Air Hostess in the Indian Airlines by an order dated 8-1-1979. She was posted at Madras base (Southern Region). All cabin attendants are given a training of approximately 1½ months at the Senior Staff, Cabin Crew Training School, New Delhi before they are released on regular flights from the respective regions or bases. She being the only (and last South Indian tribal to be recruited) tribal out of the 15 trainees in the batch it is important to mention that she was a victim of open discrimination. On the basis of her caste, and community in the school which has left her a total wreck, curbing her personality growth both during her service and after the termination of services, she has suffered heavy losses and damages in terms of health, money and reputation. Hence she proposed to claim damages on three grounds (1) for the illegal termination from services, (2) for manipulating and depriving her of her chances in Air India, (3) for defamation which damaged her career, reputation and opportunities within and without. All the above three factors articulate into one another and are co-related to the illegal termination of the services.

1. **Illegal termination of Services.**—(1) She was posted at Madras on completion of the training at Delhi. She worked at Madras from 3-1-1979 to 16-3-1983. She made several representations to transfer her to Delhi as her parents were put up at Delhi. Finally the Management acceded to the request. She was posted at New Delhi by an order dated 18-3-1983. In the said transfer it was made known to her that she will not be eligible for any permanent transfer benefits. The Management has obtained a letter from her to that effect. (2) During her tenure at Madras she was asked to perform the duties in the jet flights at the ratio of 13:1 approximately. To explain it, it is submitted that senior Air Hostess were asked to work more frequently on jet flights and fresh recruits were asked to perform duties on Avro flights. (3) After she was transferred to Delhi, Capt. Narayanan the then Manager (Operations Department) of Northern Region and Chief Hostess Miss Le-touche ( ) developed ill will towards her for she was already branded labelled in the training school, for a life time by the grace of the Chief Instructors. These Officers have been warning her that they were all set to straighten her and teach her a lesson which she would remember all her life. In bargain she was asked to perform a number of Avro flights contrary to the well established practice in the Indian Airlines. The performance of duty on Avro flight is strenuous. These Air crafts were either grounded or discarded long back by most of the Airlines while Indian Airlines still fancied them perhaps to punish the condemned Cabin attendants. (4) It is of relevance to submit here to mention the difference between the nature of duty of a hostess operating a turbopropeller and a privilege a hostess enjoys on a (Avro) jet flight. In an Avro flight only two Air hostesses perform duties to cater to the needs of 48 passengers. These Avro flights usually start in the morning and halt at a number of places enroute, and the service is repeated till the evening and the crew return back to the starting point late in the night. They mostly start early in the mornings, hopping at each station with a flight time duration of 20 to 30 mts from station to station. There are about 6 to 7 such stations to be covered per day. The work load is too heavy for just two cabin attendants to serve and attend on 48 passengers per station in 20 mts duration. Since almost all the Avro Air Crafts are scheduled to return to the originating stations. The cabin attendant do not get any off station allowance. It is sickening to imagine the plight of a hostess who gets on duty at 4.30 a.m. and is kept in the run till 8.00 p.m. till she gets off duty i.e. 3 hours of

restless continuous labourious work. To work on these Avro it is beyond human possibility, what more she is expected to look dim, charming and smiling although the flight while she is furnished missing breakfast, lunch and dinner for the day due to the shortage of time for midlight service of passengers. The health and welfare of the Air hostesses. On such nights is of no-consequence to the management as the Management contends that "they are paid for the slog". Whereas a jet flight cabin attendant does not suffer the above said fate she is lucky and richer. As in Boeing they have 4 cabin Attendants and in Air-bus there are 8 cabin Attendants to attend on the passengers. And naturally the work load is shared among more number of cabin attendants with ample time for service. They operate only a single flight per day say Madras to Delhi via Hyderabad with a single night stop. The crew night stop at a Hotel outstation and return only the next day. They also get jet allowance, plus outstation allowance. The operation of flights are reasonable. Such is the dreaded experience on an Avro flight realising the degree of tiresomeness in practice the authorities adhere to reasonable ratio approx. 10 : 1 on the jets to Avros, in allocation of duties to the hostesses. As a measure to fix her and punish her she was rostered on these turbo-propelled flights for almost 2 consecutive months after joining at Delhi. The roster record maintained by the respondent would indicate after her joining at Delhi now unscrupulously she was made to fly these Laborious flights she was mentally feeling like a condemned person in the Airlines. She was deprived of the privilege of flying jet flights inspite of her seniority and a service of 4-years. While working at Madras she was flying mostly jet flights at a ratio of 12 : 1 approximately. For the fear of losing the job she was compelled to accept these condemned flights till finally her health gave way. Due to this vindictive attitude of the respondent she took ill and had to apply for privilege leave which was sanctioned to her with effect from 15th May, 1983 to 30-6-1983. As she would not regain her health on 14-6-1983. She informed the Management that she continued to be sick. Again on 28-7-1983 she informed the Respondent that she was being treated by a Doctor at Hyderabad. This is followed up by another letter dated 22-2-1984 in which she had categorically stated that she had been advised for medical rest for about two months. While so, the Respondent in prosecution of their vindictive attitude against her issued a charge sheet on 4-7-84 alleging misconduct of absence without leave for more than 8 consecutive days. Thereafter a farce of enquiry was conducted, which is violative of principles of natural justice, the enquiry officer seems to have submitted a report which is not based on legal evidence. Hence the findings of the enquiry officer are perverse. On 4-3-1985 a show cause notice indicating imposition of punishment of dismissal was issued to her she was dismissed from the service with effect from the same date. Thereafter she filed an appeal which was rejected by a letter dated 2-8-1985. (7) It is submitted that the order of termination is illegal, void and one without jurisdiction. It is violative of section 25-F of the Industrial Disputes Act, as the so called enquiry is no enquiry in the eye of law. Hence it has to be proceeded on the footing that it is a case of termination without enquiry, and any termination being and retrenchment as referred under Section 2(a) of the Act is illegal if 25-A is not complied with. In this connection it is submitted that no compensation or notice or notice pay was paid along with the order of termination, hence it is vitiated as violative of Section 25-F of I.D. Act. (8) It is further submitted that it is a case of termination for misconduct, the punishment meted out to her is shockingly disproportionate to misconduct alleged to have been proved. It is a case where she is victimised and the order of termination is passed as measure of unfair labour practice. Apart from it the order of termination is malafide, arbitrary and high-handed. At the point of termination she was drawing an amount of Rs. 1,629.23 (9) It is most respectfully submitted that she could not get any employment inspite of her best efforts. It is therefore prayed that this Hon'ble Authority may be pleased to set aside the order of termination dated 4-3-1985 and re-instate her with full back wages.

41. The Indian Airlines has been responsible in depriving her of an opportunity in the Air India. Hence, she may be provided with a suitable job in the Air India. Hence she requests the Hon'ble Authority to kindly entertain her claims.

It is submitted that one in the designation of Air Hostess cannot look forward to promotions. On improvement of seniority unlike other categories of workmen who can aspire to climb the hierarchy through departmental examination. An Air Hostess retired as an Air Hostess only, no matter her seniority, aspirations and efficiency. The only step she/he in the I.A. can dream of climbing is to try and get into the sister concern Air India for a similar designation. Where the salaries incentives and allowances are comparatively greater. However although Air India is a sister concern, an interested Air Hostess in Indian Airlines may do so by applying for Air India on a fresh application only. She should be given preference at the time of selection due to her experience in the similar job provided she succeeds in the written test. Having been rejected by the Indian Airlines, in order to earn a livelihood she was desperately in need of a job. In response to an advertisement she had applied for the post of Air Hostess in AIR, India in October, 1985. She was one of the few who got through the written test held at Delhi. She had answered all the questions most appropriately in the interview she was the only one candidate who had a knowledge of five languages, viz. English, Hindi, Telugu, Urdu and Tamil, with working knowledge of German and an additional asset of her 5 years' experience in the similar nature of duty, yet her name failed to find its way in the list of the selected. Most of them selected from Assam, Darjeeling etc., did not know to speak Hindi they themselves confessed. Her disqualification she is given to think is the five years of submissive service in the Indian Airlines. In another occasion she had applied for the post of the Traffic Assistant Air India in 1987 here again she had passed the written test held at Delhi on 28th January, 1987 with outstanding marks she was called for the interview on 30th March, 1987. A few days before the interview she approached the Regional Directors of Indian Airlines at administrative office, Janpath for want of a certificate stating her experience with them. As 5 years is no short period in one's life to let go unmentioned. Moreover she could not have been asking the interviewers to never mind about what she was doing with herself for 5 years after completion of her graduation. She would sound absurd if she had said she did nothing. Therefore it was necessary that she get a certificate of having been with Indian Airlines for the 5 years in question, which was a fact. As she did not ask for more the Regional Director of Delhi concerned to certify to that effect. But just then Captain Narayanan a retired Operations Manager of the Northern Region happened to drop in at the Airlines house and refrained the R.D. from giving any such certificate. He laid down a condition that she takes back her earlier complaints lodged against him and the then Chief Hostess. This was not agreeable to her for obvious reasons. Knowing the management thoroughly she had her own doubts about herself being tricked into foul play. Consequently she was once again not selected inspite of fairing the best (I can even recall all the questions they have asked her with all of them answered accurately and appropriately). Here she would also like to mention the acid remark a clerk, in the Air India Office had made. She had gone to the A.I. Office for the reimbursement of travelling expenses to which she is entitled, a couple of days after the interview on the 30th March, 1987, at New Delhi. The clerk in the Personnel Department by name Gupta had uttered right in front of the Personnel Managers office the following lines referring to her community "these people cannot even afford trainfares to Delhi but shamelessly come from the South for employment in Air India only to flock around in the office and collect easy money". For which she had to ask him to mind his tongue. She is surprised as to how such irresponsible personnel suit Air India and adorn the office of the Personnel Department while a candidate like her is found unsuitable. Subsequently she got her grievance represented through an Ex-Member of Parliament of her home town to the concerned Ministry. The M.P. received letter saying that she was not found suitable in the interview although she fared well in the written test. A copy of which is enclosed. She submits that herself not being found suitable in the interviews conducted by Ms. Air India is a farce, everything has been manipulated by the Respondent. This is evident from the fact that while in the year 1980 when she applied for the same post (Traffic Assistant) in the said concern when she was found suitable, in the interview she could not have been unsuitable 5 years later, with more experience and more maturity in the sister concern viz. Indian Airlines. A copy of the call letter dated 8th June, 1980 and the appointment letter dated 16th

September, 1980 by AIR India offering her the same post a few years earlier are enclosed. Evidences marked under S. No. 8.

#### APPLICATION FILED FOR CIVIL SUIT FOR DAMAGES UNDER SECTION 499 OF THE I.P.C.

III. Defamation.—It is most humbly submitted that she had suffered irreparable damages in her career, and normal life both within the Airlines and without, on account of the respondents' labellous irresponsible vindictive statement, made about her in public. To list a few : She was treated badly in the training school of the October, 1976 batch by one and all in the school at the instigate of the Chief Instructress Mrs. Sahani. She was the only tribal candidate in a batch of 15 girls. At the training school all the girls joined a private hostel at Vasant Vihar Manager by a friend of the Chief instructress. She stayed out as she had her people at Delhi. This lady used to visit the girls in the hostel occasionally during her off days. She has discussed liberally, she had enough reasons and evidences to believe, as though this was not enough she was talked off in a very degrading manner in the class room, many of times. There was not a single day which passed without her insulting her or humiliating her through out her training what was more painful was that none of her batch mates had the guts to resist, most of them played to her tune for the fear of getting into her bad books. These are a few outrageous blatant remarks she made at her in the class room 1. तुम लोग इस किसम

के लोग हो, जो जिस थाला में खाते हैं उसी में छेद मारते ।"

Meaning : You are such ungrateful sorts that you think of making holes in the same plate that provided you food. 2. "This girl does not seem to understand a single word: God knows in what language I am to teach her (meaning to say she is thick skulled). Such defaming statements in the class room not only embarrassed her to shame, with the whole class laughing at her but repetition of cracking such thala fide instructress at her expense made her loose her self-confidence and all hopes in life. She shrank to herself and was driven into isolation often she was made to feel like an ass. The instructress should have been a responsible teacher and taken some trouble in reviewing her application for the post, where she had clearly mentioned that she was well conversant with five languages English, Hindi, Telugu, Tamil and Urdu. I am sure none of my batch mates from the general list had a knowledge of five languages at that. This lady so much went by the community certificate attached to her application that, she often wondered at her sadistic pleasure in making feel ashamed. Perhaps she contended that a tribal does not deserve a civilised like. Even in the class tests her discrimination extended in setting the question papers too. The whole class was asked to answer one kind of cyclo-styled question paper, while she was asked to sit separately and answer a totally different hand written paper with ridiculous questions connoting a dig at her. This is evident if a probe into the answer sheets of 1978 November/December. Cabin crew trainees is ordered. Subsequently she was the only person to be detained at Delhi for a couple of weeks at the training school while all others in her batch were deemed fit to be released on scheduled flights. That she was subjected to utmost humiliation in the school is evident from the form which, each cabin crew trainee is asked to fill on completion of the training as a rule. She had written in bold capital letters that she disliked the "STRUGGLE FOR EXISTENCE" and the rat race in the training school. Owing to such a back start strengthened by her bad reports she was victimised for the rest of her career back at work she was treated as badly as possible by her colleagues, seniors, juniors and superiors. It appeared as though she was sent to the training school not for learning but to get branded. This she is sure could not have been an occasion of qualified privilege on the part of the chief Instructress. At work with her brand stamped on her face she was the only under privileged workman going around. A topic of ridicule a controversial person to be avoided like plague. While a Personnel Manager, one, Mr. Raghavai and a cabin attendant have the audacity to remark "If dogs are made to sit on a throne you know what they would do?", referring to me (b) A Capt. S. K. Rao states that she looked as though straight out from hell (the invendo is needless to say). He asks her if she were wearing an alarm piece on her wrist (she was wearing a dent's watch) as if she did not know what a wrist watch was (c) Then there is a hostess, who complains that she did not wish her, and there is an enquiry held based on her complaint she was told that she pilaved a certain air craft and was declared guilty by the enquiry officer, on fabricated

evidences. A check Hostess Munnawar Sultan takes her on a check flight asks her all sorts of questions and gives a report certifying her incompetence when cornered she laments that "So much adverse about her was already in the air that she dare not give a report contradictory to what is already being believed. An operations Manager in Chorus with Chief Hostess at Delhi Swears at her to straighten her and fix her such are the atrocities she was subjected to at work due to falsified reports and rumours spread about her. Given below is the evidence of false allegations issued to her referring to her incompetence, inefficiency in the performance of her duties. The latter state that she had been taken on a check flight by Miss. Krishnajeet. On which grounds and evidence she proposes to sue for damages as she had not been on any such check flight. On the said date conducted by Miss. Krishnajeet as indicated in the letter. Her annual appraisal form also is a fabricated one, in the similar fashion

Memorandum  
Indian Airlines.

From

Operations Department,  
Madras

To

A/H Jhansi Rani  
Madras.

Reference : MDS/CES/JR/392 Dated 1st/20th Feb. 1979.

Sub : Flt. IC 501/502 of 24-1-79.

You were taken out on the flights by check Hostess, Miss Krishnajeet and the following deficiencies were brought to our notice :—

Prior to take off

Greeting of passengers	Should smile
Announcements	Coaching necessary.

In flight.

Meals & Allied services	Poor
Public relations	Fair

Prior to landings.

Wishing the passengers	Fair
Completion of paper work	Poor
Genl. knowledge.	Fair

Schedule & knowledge  
of places of tourist  
interest.

Routings	Poor
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Appearances	HairDo-Untidy-Hall Not necessary—Make-up face very oily
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Gen. Observations.	Should be more pleasant
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You are therefore required to show improvement to avoid the above deficiencies.

Sd/-

OPERATIONS MANAGER

c.c. CAH/Ch. C.A.

Just as "one light enkindle the other a false statement and allegation published or spoken gives room makes room for another and forms the basis for prejudice and bias within the organisation thereby curbing and curtailing an individuals access to progress and improvement. It is submitted that even outside the Airlines for us Hostess as it is there is very very little scope due to age and other factors. barring. And in a case like her the chances are absolutely

zero. If at all a hostess is considered outside the Airlines for a job she might be considered for her experience. She had an experience of 5 years but to what avail? Even if she wants to leave the Airlines which had treated her so filthly. She cannot go too far. With these kinds of false memorandum and appraisal toms marring her image where can she reach in this country? Which company, firm or organisation would be willing to take her, at this stage of life, with this reputation? While her best part of life and prime time was squandered fruitlessly in the I.A. at her perial. Today where can she beging afresh and re-build her career. She would have been better off had she pursued higher studies or taken competitive examination she lost a career before joining the Airlines, lost self confidence, dignity and hopes, in the Airlines, and lost all chances of livelihood outside the Airlines. She had gone around from pillar to post in search of jobs to earn a livelihood every where these damaging reports played a havoc in my life and reputation. She had no God-father's magnimous enough to feed her for all these years. She is too decent to beg she had to survive on pawning anceltol jewellery and property and borrowings from people to support herself What a scope does she had in life with such a deal? She hereby leaves it to your Hon'ble goodself to assess her losses and damage effect to her evidence of her debts and the miserable life she had been ushered into are enclosed for your Honble scrutiny. She therefore prays that the Honble Authority may be pleased to do justice to her.

3. The averments of the additional claim statement filed by the petitioner read as follows :

The petitioner submits in pursuance of the reference made by the Government of India she has submitted her claim statement without taking any legal assistance. The petitioner is now submitting additional grounds and prays that this Hon'ble Court may be pleased to receive the same in the interest of justice and fair-play. The petitioner submits the Respondent alleged to have issued a charge-sheet dated 4-7-1984 to the Petitioner but the same was not served on the petitioner and equally no notice of enquiry was served on the petitioner and as such the petitioner was deprived of a reasonable opportunity to defend her case by submitting explanation to the charge-sheet and also to participate in the enquiry to substantiate that the charges levelled against the petitioner are false and fabricated. The petitioner was surprised to receive show cause notice wherein it was referred about the charge sheet, dated 4-7-1984 and the report of the enquiry officer does not disclose that what charge-sheet was served on the petitioner and on what date and serving of the enquiry notice and the place of enquiry. The petitioner submits that without any proof the enquiry officer proceeded on the assumptions that notice of the enquiry was served on the petitioner and the enquiry officer submitted an ex parte report. The petitioner submits the enquiry officer did not act independently and also not conducted the enquiry in conformity with the principles of natural justice. The petitioner submits the orders of proceedings of the enquiry are vitiated as the enquiry conducted by the Respondent is in violation of principles of natural justice. The petitioner submits the orders of dismissal passed by the Respondent is illegal, unjust, contrary to law and in violation of principles of natural justice. The Petitioner submits while imposing the maximum punishment of dismissal the respondent has failed to take into consideration the quantum of punishment to be imposed on the petitioner but imposed the maximum punishment of dismissal from service which is not only shockingly disproportionate but also do not commensurate with the gravity of the alleged misconduct. The Petitioner submits the charge levelled against the Petitioner was that she remained absent and over-stayed for 8 consecutive days than the sanctioned leave. The petitioner submits she has informed the authorities about her sickness and subsequently sent Medical Certificate. The petitioner submits that the respondent without considering the facts of the case and circumstances dismissed the petitioner from service. The petitioner submits the action of the Respondent is arbitrary, capricious and discriminatory. The petitioner further submits that she belongs to Schedule Tribe community and she has joined the Indian Air Lines for the first time and the Res-



pendent without affording a reasonable opportunity dismissed the petitioner from service on a trivial nature of charge. The petitioner submits the action of the Respondent is only an act of victimisation as the punishment of dismissal from service is totally unjustified for the trivial nature of charge levelled against the petitioner. Therefore the order of dismissal passed by the Respondent is illegal and invalid, as the order of dismissal has not only thrown the petitioner out of employment but her innocent family members are thrown on the streets. The petitioner submits ever since the date of her dismissal from service she remained unemployed and could not secure any alternate employment inspite of her best and honest efforts, and actually she and her family members are on the verge of starvation. The petitioner therefore prays that this Hon'ble Court may be pleased to set aside the orders of dismissal passed by the Respondent and direct the Respondent to reinstate the petitioner into service, with continuity of service, full backwages and all other attendant benefits.

4. The averments of the counter filed by the Respondent read as follows:—The reference order dt. 27-2-1988 is bad in law in as much as no reference can be made to this Tribunal at Hyderabad since workman concerned was in the employment of the Indian Airlines Corporation at New Delhi at the time of termination of service. No dispute could have been raised by the workman at Hyderabad. The mere fact that the termination order was served on the workman at Hyderabad (the last address intimated) would not confer jurisdiction on the Central Labour Commissioner (C) Hyderabad to entertain any dispute raised by the workman and submits a failure report on the basis whereof the Central Government has made the reference to this Hon'ble Tribunal. If at all the case merits a reference, such a reference was to be made before the Central Government Industrial Tribunal at Delhi after the failure of the conciliation proceedings at Delhi. It is further submitted that this Hon'ble Tribunal has no jurisdiction to entertain the wrongful claim of the petitioner, as the petitioner was at Delhi based staff, having given her residential address on record as 82, North Avenue, New Delhi. The place of service of the order of termination is immaterial in order to invoke the jurisdiction since the material place is from where the order emanates. In this case, the petitioner had not taken permission before leaving station i.e. Delhi. It was only by her reply to the show cause notice dated 4th March, 1985 vide her letter dated 20th/21st April, 1985 that she intimated her contact addressed at Hyderabad. The relief asked for by the petitioner to set aside the order of termination dated 1st May, 1985 cannot be granted by this Hon'ble Tribunal since it has no jurisdiction as the workman was in the employment of the Indian Airlines at Delhi. More so in this particular case the termination has been lawfully done in accordance with the service Rules and Standing Orders concerning Discipline and Appeals applicable to the workman petitioner and in accordance with the principles of natural justice. The statement of claim filed by the workman is false and vexatious. The workman is guilty of misrepresentation and suppression of facts relating to the matter. The services of the work were terminated on account of serious act of misconduct i.e. overstaying of sanctioned leave for the period 14-6-1983 to 30-4-1985 committed by her. A charge sheet dated 4th July, 1984 issued by Operations Manager, Northern Region was served upon her whereby she was asked to give explanation within seven days. Since the Management did not receive her explanation, therefore in order to investigate the charges, an enquiry was instituted. The workman was duly intimated about the appointment of the Enquiry Officer as well as holding of the enquiry vide Management's letter dated 19th October, 1984 issued by the Operations Manager Northern Region. A full proper and fair enquiry was conducted into the charges levelled against the workman. The Enquiry Officer was an impartial person who gave three opportunities to the workman to participate in the enquiry and to prove her innocence but the workman willfully absented herself from attending the enquiry proceedings. Finally the Enquiry Officer proceeded ex parte against the workman. The Enquiry Officer Capt. R. N. Tandon gave

his report holding the workman guilty of all the charges levelled against her. The competent authority examined the Enquiry Proceedings, enquiry report, her past record and because of the nature of the proved major misconduct, in the interest of maintaining discipline in the Corporation and smooth functioning of the airlines awarded the punishment of dismissal vide letter dated 1st May, 1985. Since the services of the workman were terminated after conducting a full, fair and proper enquiry, the management relies upon the same. Without prejudice to its contention that the enquiry was fair, proper and impartial, the management submits that in case this Hon'ble Tribunal finds the enquiry vitiated on any ground, the management seeks permission to lead fresh evidence before the Hon'ble Tribunal in order to substantiate the charges levelled against the workman vide chargesheet dated 4th July, 1984. Subject to and without prejudice to the preliminary objections aforementioned, reply on behalf of the answering management on merits and particularly with regard to the allegations contained in the statement of claim is given hereinbelow :

#### REPLY ON MERITS :

Save and except what is specifically stated hereunder, each and every averment, submission and/or allegation as contained in the statement of claim under reply is wrong and therefore denied.

Parawise reply to the statement of claim is as under :

1. Regarding para 1 of the statement of claim it is admitted that the workman belongs to Scheduled Tribe and was appointed as Air Hostess by the Indian Airlines vide Management's letter dated 8th January, 1979 and was posted at Madras after the completion of her training at the Cabin Crew Training School, Safdarjung Airport, New Delhi. Rest of the contents of this para are totally false and baseless and are hence vehemently denied. She was selected on her application made in response to an advertisement issued by Indian Airlines, Southern Region which was meant for selection of the candidates for Southern Region only. The contention of the petitioner that she underwent successful training at Cabin Crew Training School, Safdarjung Airport is not denied. After completion of training she was appointed at Madras where she worked from 3rd January, 1979 to 16th March, 1983 and her record of attendance, conduct and work as evaluated in the Annual Performance Appraisal since her appointment was very poor. Normally, transfer on compensatory grounds of employees with bad records are not considered. However, as an exception in the case of the workman on humanitarian grounds and the fact that the petitioner belongs to scheduled tribe, a lenient view was taken and her transfer to Delhi was agreed to subject to the normal terms and conditions applicable in case of such transfers, as given below :—

- (i) grant of a free passage for self and family from the station of transfer to the station of posting.
- (ii) transportation of household effects on subject to load basis as per entitlement.
- (iii) seniority at the bottom of the grade in the region to which the transfer is made as the seniority is maintained regionwise.

The contents of para 2 are denied. All Air Hostesses including the workman were rostered on different types of Aircrafts in rotation as per the normal system of rostering. The contents of para 3 of the statement of claim are false, baseless and have no relevance to her case. The workman had attended duties only from 18th March, 1983 to 14th May, 1983 i.e. barely for period of 2 months, in Northern region. Therefore, her allegations about the strenuous work performance and prejudiced action on the part of Chief Air Hostess and Operations Manager are false, baseless and untenable. In fact, Capt. Narang was the Operations Manager whereas the petitioner has alleged mala fide against Capt. Narayanan. It may also be submitted here that the past record of the workman during the period she worked in Madras was highly unsatisfactory. She was awarded punishment of 'censure', her basic pay was reduced by 2 increments and on third occasion reduction in time scale by one stage with cumulative effect. Para 4 of the statement of claim is misconceived, baseless and misleading. An Air Hostess is re-

quired to perform 50 hours of flying duty in a month. However, due to exigencies of work, the duty hours can be extended upto a maximum of 80 hours. In such case, extra flying pay beyond 50 hours is given to an Air Hostess @ Rs. 7.50 per hour as per the settlement dated 10th January, 1972. It will be pertinent to mention here that the duty hours of an Air Hostess are 11 hours in a day, out of which maximum flight time is 8 hours only, irrespective of the fact that whether she is put on a turbo propeller flight or jet air-craft. The workman is trying to mislead the Hon'ble Tribunal by depicting an absolutely false picture of facts relating to the matter. Even if an Air Hostess is put on jet flight she has to be on duty for 11 hours out of which she has to undertake 8 hours of flying duty on the same day. Therefore number of hours of duty of an Air Hostess on Avro or at Jet Aircraft are the same. Depending on the time of flight, even a jet flight may operate from early in the morning and/or till late, in the evenings. The workman has stated that the work on Avro flights is beyond human possibility but she has totally ignored the fact that the number of passengers in such flights is much less as compared to the jet flight. The passengers also regularly undertake the Avro flights and have no complaint against the same. The Air Hostesses are deputed on jet/avro flights on rotation basis. The workman was never deprived of jet flights during her tenure in Delhi. She in fact attended to her duties for a period of two months only and therefore her allegations about the vindictive attitude of the Management does not hold much water as is false and baseless. She has concocted all the allegations against the management in order to cover up her case of dismissal from service on account of long unauthorised absence. She was sanctioned leave w.e.f. 15th May, 1983 to 13th June, 1983 and not w.e.f. 15th May, 1983 to 30th June, 1983 as mentioned by her. The workman remained absent unauthorisedly effective 14th June, 1983 without any sufficient grounds or proper or satisfactory explanation which she was obliged to submit within a period of 3 days from the date of termination of her sanctioned leave and the progress report to her health every fortnight as per Clause III & VI of the circular dated 12th July, 1978. She did not send any medical certificate or progress report in support of her alleged sickness of orthopaedic nature, if any, at the later stages also. The letter dated 28th July, 1983 about her undergoing treatment at Hyderabad was received much later after the expiry of the leave granted to her. Moreover, before leaving the station, she was supposed to inform the management. As a reply to her above letter dated 28th July, 1983 she was sent a letter dated 3rd February, 1984 by which she was asked to produce a medical certificate in support of her illness and to report for duty immediately. She was also informed that she was being treated as absent and was therefore liable for disciplinary action. The letter dated 22nd February, 1984 which was received after six months was also not accompanied by any medical certificate, or any information about the kind of illness. It will be pertinent to mention here that though vide letter dated 22nd February, 1984 she had categorically stated that she had been advised medical rest for about 2 months only, whereas she did not report for duty even after the expiry of that period and on the contrary, an unsigned letter dated 6th January, 1985 sent under registered A.D. accompanying a medical certificate dated 1st August, 1983 was received by the answering Management. Moreover, a denial of Mercv petition dated 7th May, 1985 submitted by the workman to the Managing Director clearly establishes the fact that she was absent from duties due to her father's death and her brother's sickness only. Regarding para 5 of the statement of claim, it is submitted that a charge sheet dated 4th July, 1984 was issued to the workman for unauthorised absence, which was duly received by her. She was informed about the holding of the enquiry vide Enquiry Officer's letter dated 9th November, 1984. A full proper and fair enquiry was conducted. The enquiry officer provided sufficient opportunity to the workman to appear before him as may be seen from the proceedings of the enquiry and letters were sent in this regard at all her available addresses on 23rd November, 1984, 14th December, 1984 & 28th December, 1984. Though, having received the letters, the workman failed/neglected to participate in the enquiry and therefore the enquiry officer had no other option left but to conduct the enquiry ex parte in accordance with the principles of natural justice. The contents of para 6 of the statement of claim are admitted as correct to the extent that the workman was issued show cause notice on 4th March, 1985 and her appeal was rejected which was communicated to her vide letter dated 2nd August, 1985. In-

fact the services of the workman were terminated effective 1st May, 1985 after the issue of the show cause notice giving her sufficient time to reply. Therefore, the statement of Petitioner/workman that her services were terminated w.e.f. the same date i.e. the date of issue of show cause notice is absolutely false. The contents of para 7 of the statement of claim are wrong and denied. In fact the services of the workman have been terminated strictly in accordance with the standing orders concerning discipline & appeals applicable in the case of the workman and in accordance with the principles of natural justice. It is denied that there is violation of section 25F or 25A or 2(b) of the Industrial Disputes Act which provisions in fact have no applicability to this case. The contents of para 8 of the statement of claim are wrong and denied. It is denied that the punishment awarded to the workman as a consequence of the domestic enquiry was disproportionate or there was any victimisation as alleged. The misconduct committed by the workman is so grave that she does not deserve any consideration. The contents of paragraph II of the statement of claim consisting of sub-para 1 to 4 are vague and misconceived. The answering management is not responsible in any way for inability on her part to get a job in Air India and cannot secure the same for her. The averments made about the senior officers are absolutely false and baseless. Rest of the contents need no reply. The suit for damages and criminal complaint u/s 499 IPC are not maintainable in these proceedings and is beyond the scope of the terms of reference dated 27th February, 1988. The contents of paragraph III of the statement of claim consisting of sub-para (1), 1 and 2 are absolutely false, misconceived and denied in totality. The workman has concocted the entire story now to cover up her case of dismissal due to major misconduct committed by her during the course of her employment with Indian Airlines Corporation. The allegations against senior officers and senior staff and Chief Instructress are false and misconceived and are denied. The Indian Airlines Corporation had selected her in Scheduled Tribe quota as per the provisions of reservation policy for the uplift of the backward and down trodden. None of the officials had any malice towards her. On the contrary they always accommodated her and helped her to learn and show upto the mark. Even her request of transfer to Delhi was accepted as an exceptional case, on compassionate grounds but apparently the workman herself was not interested in the job. But after 2 months of joining at Delhi she took leave for 30 days and after that she started absenting herself from duties unauthorisedly. In addition to the above, it is submitted that the Hon'ble Tribunal has no jurisdiction to entertain the present claim of the petitioner as no cause of action has arisen at Hyderabad. The relief asked for by the workman cannot be granted by the Hon'ble Tribunal since the Hon'ble Tribunal has no power vested in it to set aside the order of the termination lawfully made in accordance with the service regulations. Standing Order concerning discipline and appeals of the Indian Airlines is applicable to the workman and after conducting a domestic enquiry in accordance with the principles of natural justice. In view of the facts and circumstances described and submissions made above, it is prayed that the claim of the workman be dismissed with costs.

5. The averments of the additional counter filed by the Respondent read as follows:

The additional statement of claim filed by the workman cannot be entertained since she has not submitted any additional ground and in fact it happens to be an amendment to the statement of claim filed by her earlier. Therefore, unless leave to amend the Statement of Claim is granted to the workman the amended statement of claim cannot be taken on record. The additional statement of claim filed by the workman is false and frivolous and is an afterthought. She has now on the 7th May, 1988, denied certain facts which she had expressed in her statement of claim filed some time in April, 1988. It will be pertinent to mention here that the present additional statement of claim is also inconsistent, contrary to the statement of claim, dated February/March, 1987 filed by her before the Conciliation Officer, Hyderabad. Since no objection to this effect was raised by her earlier at any period of time either in correspondence with the answering respondent or before the Conciliation Officer, she is now estopped from raising such frivolous objections, that no charge sheet was served upon her or that she was not given any opportunity to tender any explanation or to plead her case before the Enquiry Officer. The



Hon'ble Tribunal cannot try and entertain the claim filed by the workman since she was in the employment of Indian Airlines Corporation for which the appropriate Government is the Central Government. It is, therefore, submitted that only Central Government Industrial Tribunal has powers and jurisdiction to entertain the present claim. Without prejudice to the contentions of the management that the additional statement of claim cannot be taken on record the Respondent deals with the additional statement of claim para-wise as under :

#### REPLY ON MERITS :

The contents of preliminary para of the additional statement of claim filed by the workman are wrong and denied. The workman had filed her statement of claims after taking all the legal assistance which is evident from the title as well as mentioning of legal provisions and technical language used. Moreover, during the Conciliation Proceedings also she had taken legal assistance. It will be pertinent to mention here that her statement of claim dated April 1988 is similar to that filed by her before the Conciliation Officer, Hyderabad which was drafted by Sri S. Ravindranath, Advocate, 10-3-283/5 Humayunagar, Hyderabad-28. In the present additional statement of claim, the petitioner has not at all submitted any additional ground and in fact the same happens to be an amendment to her statement of claim filed by her earlier. The contents of Para 2 of the statement of claim are false and baseless. The charge sheet dated 4th July, 1984 was sent under registered A.D. at the following addresses, on record :—

1. C/o Mr. Tilak,  
B-4/5 M.C.H. Market,  
Chikkannalli,  
Hyderabad.  
(2 times).
2. 82, North Avenue,  
New Delhi.
3. C/o B. K. Radha Bai Anand,  
Rama Verum Post Rao,  
Bhadrachallam Road,  
Kothagudem,  
Collieries,  
Khaming District,  
Andhra Pradesh.

Out of these three addresses, the aforesaid charge sheet was received by her at address Nos. 2 & 3. The Management relies upon the proof of service in this behalf. Similarly, the notices of the enquiry dated 9th November, 1984, 23rd November, 1984 and 14th December, 1984 were sent to her under Registered A.D. at the following addresses :

1. 82, North Avenue,  
New Delhi.
2. C/o B. K. Radha Bai Anand,  
Rama Verum Post Rao,  
Bhadrachallam Road,  
Kothagudem,  
Collieries,  
Khaming District,  
Andhra Pradesh.

Out of the above addresses, the notices were received by her at the address No. 1 above. The Management relies upon the proof of service in this behalf. In fact, she received the charge sheet and enquiry notices but deliberately avoided to attend the enquiry which was to be held at Delhi and not at her native place because of obvious reasons/circumstances and now she is misleading the Hon'ble Tribunal by concocting a story in order to get the enquiry vitiated. Therefore, it will be clear now that she was given more than adequate opportunity to submit her explanation and to participate in the enquiry. Moreover, the charges cannot be termed as false or concocted since she did not seek permission before leaving the station and she did not send medical certificate till 6th January 1985 received by the Management on 4th February, 1985 annexed along with an unsigned letter. The contents of para 3 of the statement of claim are absolutely false and concocted and are denied, as submitted above, the workman was served with the charge sheet as well as the notices of enquiry mentioned in Para 2 above. A full proper

and fair enquiry was conducted. The contents of preliminary objections (d) and para 5 of reply on merits of the written statement dated 6th May, 1988 are reiterated here for the sake of brevity. It is submitted that in view of the workman's baseless submission and after thoughts, the enquiry cannot be vitiated. The contents of para 4 of the statement of claim are wrong and hence denied. Because of the nature of the proved major misconduct, she was dismissed from services and her dismissal cannot be termed as illegal, unjust or contrary to the principles of natural justice. As per the clause 16(6) of the Standing Orders concerning discipline and appeals, applicable to her, the misconduct committed by her falls in the category of major misconduct. Moreover, before awarding the punishment, the Punishing Authority considered her past records also. Therefore, in view of the major misconduct as well as her past record, the punishment of dismissal was/is an proportionate punishment. Regarding the contents of para 6 of the statement of claim, it is submitted that the workman has not mentioned as to after how many days did she inform the authorities about her sickness or sent medical certificate. Moreover, she had expressly accepted her guilt vide her mercy petition dated 7th May, 1985 and 10th July, 1986. It is submitted that in view of the workman's misconduct, the management's action cannot be termed as arbitrary and discriminatory. It is denied that the charges were of trivial nature and that the punishment awarded is totally unjustified. Rest of the contents of the para are irrelevant and need no reply. In view of the facts mentioned above, the order of dismissal is valid and proper. In reply to para 7 of the statement of claim, it is denied that the workman is unemployed since her dismissal and has not been able to secure an alternative employment. The workman is gainfully employed. The dismissal order passed is legal without any mala fide intention and based on the principles of natural justice which were followed during the course of conducting the Enquiry Proceedings. In view of the aforesaid submissions the workman has no right to ask for setting aside the lawful orders of dismissal passed by the **answering Respondent and to ask for reinstatement with continuity of service, full back wages and all other attendant benefits, since she has been dismissed from service in view of the proved major misconduct in the enquiry.**

6. M.W. 1 was examined for the petitioner and petitioner's side was closed. Ex. W1 was marked for the petitioner. M.W. 1 to M.W. 3 were examined by the Respondent and Respondent's side was closed. Exs. M1 to M27, 27(a) and 27(b) were marked for the Respondent.

7. The point for adjudication is whether the action of the Management of Indian Airlines, New Delhi in terminating Miss Jhansi Rani, Air Hostess from service w.e.f. 4th March, 1985 is legal/justified? If not, to what relief the workman concerned is entitled and from what date?

8. POINT: The facts in dispute are that the petitioner has been working as Air Hostess in the Respondent Corporation since January, 1979, that the petitioner was sanctioned privilege leave for the period from 15-5-1983 to 13-6-1983, that she failed to resume to duty thereafter, that she informed the Respondent Corporation in her letter dated 14-6-83 that she was sick, and that again by her letter dt. 28-7-1983 she informed the Respondent Corporation that she was getting herself treated at Hyderabad and that she may be granted some more time to join duty, that in the letter dt. 3-2-1984 the Respondent Corporation advised the petitioner to produce necessary medical certificate and to report back for duty immediately, that the petitioner addressed another letter dt. 22-2-1984 to the Respondent Corporation informing the Respondent-Corporation that her Doctor advised her another two months rest. The charge sheet in Ex. M14 dt. 4-7-1984 was issued against the petitioner by the Respondent for the misconduct committed by the petitioner for over staying the sanctioned leave without sufficient grounds and proper explanation, treating her absent with effect from 14-6-1983 though the material for absence by over-

stay of sanctioned leave without sufficient grounds or proper explanation was incorporated in the charge sheet by the Respondent, the misconduct under Sub-Clause 1 of Clause 16 of the certified Standing Orders of the Respondent Corporation was also mentioned therein, though no material or allegations was mentioned in the Ex. M14 charge sheet with regard to the charge of the misconduct under Sub-Clause 1 of Clause 16 of the certified Standing Order i.e. wilful insubordination or disobedience whether or not in combination with others of any lawful and reasonable order of his superior. As seen from the enquiry proceedings in Ex. M8 and the enquiry report in Ex. M10 no evidence much less material evidence is produced with regard to the misconduct under Sub-Clause 1 of Clause 16 of the certified Standing Orders and no discussion was made and no finding was given by the Enquiry Officer about that misconduct in his report in Ex. M10. Whatever it may be, ex-parte Domestic enquiry conducted in this case by the Respondent Corporation against the Petitioner was held vitiated by the Order dt. 6-12-1989 of this Tribunal. So the question now that falls for consideration is whether the Management has proved the misconduct said to have been committed by the Petitioner under Sub-Clause 6 of clause 16 of the certified Standing Orders of the Respondent Corporation. In view of the evidence adduced on behalf of the Respondent after it was held by this Tribunal that the domestic enquiry conducted against the petitioner was vitiated, to substantiate the action of the Respondent Corporation in dismissing the petitioner from service by its order dt. 1-5-1985 in Ex. M23. The Respondent examined M.W. 2 and M.W.3 to substantiate its action in dismissing the petitioner from service by its order dt. 1-5-1985 in Ex. M23, after the domestic enquiry conducted by the Respondent against the petitioner in this case was held vitiated by this Tribunal.

9. M.W.2 is Mrs. Deepa Mahajan. She deposed that her name is Mrs. Deepa Mahajan, that she is working as Assistant Manager, Personnel Service in the Indian Airlines, that she is working in the Indian Airlines since 1983, that in 1983 she was working as Personnel Officer, that she is familiar with the records of the case of Miss Jhansi Rani, that in the domestic enquiry held against her, she was the presenting officer for the Indian Airlines, that in the year 1983 Jhansi Rani was working as Air Hostess in the Northern Region at Delhi and she was residing at 82 North Avenue, New Delhi, that this is the residential address furnished by her to the Management for the purpose of sending any communication to her and for all purposes, that the permanent address furnished by her is Clo P. K. Radha Anand Rao, Ramavaram Post, Bhadrachallam Road, Kothagudem Collieries, Khammam District, A.P., that Radha Bai is said to be the mother of Jhansi Rani, that Jhansi Rani never informed them about any change of her Delhi residential address or of the change of her permanent address, that she did not inform the Indian Airlines at any time that she will not be available at any of the two furnished addresses at any specified period for purpose of any communication, that their Management prescribed specific procedure whenever an employee goes on leave and it is Ex. M20 dated 12th

July, 1978 that Miss Jhansi Rani absented from duty without prior permission or leave from 14-6-1983 following the ending of the privilege leave previously sanctioned to her, that she did not produce any medical certificate within 3 days after 14-6-1983, that she continued to be absent from duty unauthorisedly till the time of her dismissal, that she did not produce any fortnightly report at any time as required by the Regulations, that for the first time in 1985, she produced a medical certificate alleging that she was sick in the year 1983, that when an employee leaves the station he or she is expected to take the permission of the competent authority, that it is so prescribed under the Rules, that the rules prescribed for grant of sick leave and casual leave are Ex. M21 xerox copy, that the workman in question did not give any written or oral intimation before she left the station, that after the leave sanctioned was over, she sent a letter Ex. M17 asking them to mark her sick from 14th instant onwards, that no medical certificate etc. was enclosed to Ex. M17, that likewise no specific period i.e. upto what date she wants leave also was not mentioned in Ex. M17, that if an employee falls sick, as per the Rules, he or she is expected to approach the Doctor of Indian Airlines within 2 days, that if it is not possible, he or she must get a certificate from the Registered Medical Practitioner and get it countersigned by the Indian Airlines Doctor and submit it to the Management, that the petitioner did not report to any of these things, that this Ex. M17 dt. 14-6-1983 was received in their office on 13-6-1983 and it was not through post, that no change of address was mentioned in Ex. M17, that even afterwards the petitioner did not intimate any change of address to them but they received a letter dt. 28-7-1983 which is Ex. M11 wherein she has given care of address Hyderabad, but she did not write that she is available on that address, that Ex. M11 was not accompanied by any medical certificate, that it was received by them on 8th August 1983 (Ex. M11), that in this Ex. M11 though she mentioned that she was operated some years ago at Nizam Orthopaedic Hospital, she did not mention any name of Doctor, nor her exact problem, that afterwards they received Ex. M13 which was in response to their letter dt. 3-2-1984 i.e. Ex. M12, that they asked her in Ex. M12 to produce medical certificate and also to report for duty immediately, that they also informed her that she was being treated as absent and absence without leave is misconduct, that as per them this Ex. M13 is very inconsistent in para 2 she said that 'I am in a position to report to duty' also in the next para, she stated that 'If she was advised that she should report to duty forthwith, I do so without any hesitation and she requested them to inform her, that even for Ex. M13 no M. C. was enclosed, that she did not admit her negligence or lapse in Ex. M13, that Ex. M22 are the Standing Orders, that as per Clause 16(6) of Ex. M22 absence without leave for more than eight consecutive days, it will be deemed as misconduct, that all the employees are entitled for free treatment or reimbursement by the Management, free medicines etc., that she did not apply for any medical reimbursement at all, that she did not apply for extraordinary leave or special sick leave, that she did not specifically say that she was admitted into Hospital at any time, that she never gave out any specialists name by whom she was treated, that Ex. M14,

is the charge sheet served by them on her and they terminated her services w.e.f. 1-5-1985 and on 4-3-1985 she was served with show cause notice, that the order of removal is Ex. M23, that during this entire period, she was never under suspension, that hence if she wanted to come for work, she might have straight away come to work with them, that Ex. M28 is dated 20/21-4-1985 written by the petitioner, that Ex. M25 is the letter dt. 7-5-1985 from the petitioner, that Ex. M26 is another letter dated 10-7-1986 from the petitioner, that both these exhibits Ex. M25 and M26 were termed by the petitioner as mercy petitions and she admitted that it was due to ignorance of the procedure on her part and she may be left with minor punishment, that since 1-11-1983 she (M.W.2) is working in the Personnel Department, that if she (petitioner) is taken into service, it has deleterious effect on the personal of the Indian Airlines, that as per her (M.W.2) the notice of enquiry was issued and served on Jhansi Rani, that from their records, the charge sheet was also received and served on her and that but she did not participate in the enquiry.

10. M.W.3 is Flourette Philomena Latoucha. She deposed that she is working as Consultant to Vayudutt Airlines since about May 1990, that prior to that she was employed by the Indian Airlines from 1959 July to 1985 August, that she joined as Hostess and from 1971 she was the Chief Air Hostess of the Northern Region till her retirement, that she is a Christian by religion, that she belongs to a minority, that she never had any feeling and born in Hyderabad, that she never had any feeling at any time that she was discriminated against as she belongs to South India or she belongs to minority community, that she gives training to number of Air Hostesses, that it is very essential part of the training and the Air Hostesses were taught to be punctual as well as regular and it is an essential part of the training, that in the appointment letter itself, the Air Hostess was informed unless they follow the service regulations serious consequences will follow, that the standing orders are one and the same to every employee, that she knows personally the work-workman in question Jhansi Rani, that she was expected to assess the work of Air Hostesses under her control and she hopes that she was the reporting officer as far as this work-woman is concerned, that annual appraisal forms and other reports of Jhansi Rani is Ex. M27, that before transfer from Madras to Delhi, she went through her personal file and found out that she was frequently absenting herself, that she was also reprimanded through personal file, that she was granted privilege leave from 15-5-1983 to 13-6-1983, that later on she sent a letter stating that she would be kept on sick leave from 14-6-1983 onwards, that no time limit was mentioned in that letter, that the work-woman in question did not submit any medical certificate of substantiate her request for granting her sick leave which was not granted to her, that Ex. M12 was signed by her (M.W.3) that she (M.W.3) used to get verbal reports from other Air Hostesses about Jhansi Rani not co-operating with them, that she has never come across such a case as that of Jhansi Rani who took such liberty in the organisation, that to her (M.W. 3) knowledge there was only one instance Miss Roop Ahuja who did not

report for duty in time for a flight from Calcutta, for that misconduct she was removed from service and it happened in the 1970's, that if a workwoman like Jhansi Rani permitted to join duty it will have disastrous influence on the other Air Hostesses and also on the other cabin crew reporting for flights, that in June 1990 when all the Air Hostesses of the Flights reported sick, the flight was to be cancelled.

11. The evidence of M.Ws. 2 and 3 is sought to be adduced to prove the case of the Management that the Petitioner over-stayed the sanctioned leave and therefore the dismissal order passed by the Management against the Petitioner in Ex. M23 is justified. M.Ws. 2 and 3 did not speak anything about the misconduct of wilful insubordination or disobedience of any lawful and reasonable order of the superiors of the petitioner which is a misconduct under Sub-Clause 1 of Clause 16 of the Standing Order in Ex M22 which is also mentioned in the charge sheet in Ex. M14. There is no dispute with regard to the over-stay of the sanctioned leave by the petitioner w.e.f. 14-6-1983. It is pertinent to note that it is also the admitted case of both parties that the Petitioner submitted Ex. M17 intimation informing the Management that as he is not well she requests to kindly mark her sick from 14th instant onwards since her privilege leave is upto 13-6-1983 and that the Petitioner submitted another letter dt. 28-7-1983 in Ex. M11 extending her leave, informing the Management that she has a serious problem in her leg which is operated some years ago at Nizams Orthopaedic Hospital, Hyderabad, that she is consulting Orthopaedician for the same. So the question of over-stay of the petitioner after the expiry of the sanctioned leave without intimation to the Management and without sufficient grounds or proper or satisfactory explanation within a week from the date of termination of leave sanctioned as contemplated under Clause 16 Sub-Clause 6 of the Standing Orders in Ex. M22 does not arise in this case, in my opinion, as the petitioner informed about her sickness to the Management and seeking sick leave, by her letter dated 14-6-1983 on which date the sanctioned leave was expired, in Ex. M17, and she also extended her leave in her letter dt. 28-7-1983 in Ex. M11 though the medical certificates are not submitted to the Management along with those letters. As seen from the evidence available on record the petitioner submitted a medical certificate to the Management of the Respondent Corporation along with her letter dt. 6-1-1985. It was admittedly received by the Respondent though the letter in Ex. M18 did not contain the signature of the petitioner as alleged by the Respondent. Ex. M18 is the Photostat copy of the letter dt. 6-1-1985 of the petitioner filed by the Respondent into Court. The photostat copy of the medical certificate dt. 1-8-1983 was also filed as part of Ex. M18 document. The contention of the Petitioner was that out of ignorance of the Rules she could not submit the medical certificate along with her letters in Exs. M17 and M11. No doubt it is the admitted case of the Petitioner that she was absent from duty w.e.f. 14-6-1983 in continuation of her leave sanctioned upto 13-6-1983. So it cannot but be said that it is a proved fact that the Petitioner was absent from 14-6-1983 in continuation of her sanctioned leave from 15-5-1983 to 13-6-1983. The question is whether the non-submission of medical

certificate in proof of the sickness as stated by the Petitioner in Ex. M17 and Ex. M11 letters amounts to a misconduct as defined in Sub-Clause 6 of Clause 16 of the Standing Orders in Ex. M22. Sub-Clause 6 of Clause 16 of the Standing Orders in Ex. M22 reads as follows :

“Absence without leave for more than 8 consecutive days or over, staying the sanctioned leave without sufficient grounds or proper or satisfactory explanation within a week from the date of termination of leave sanctioned.”

So it is clear from the above extracted Sub-Clause 6 of Clause 16 of the Standing Orders that over-staying of the sanctioned leave without sufficient grounds or proper or satisfactory explanation within a week from the date of termination of sanctioned leave is a misconduct. Here in the case on hand, the petitioner submitted the letter in Ex. M17 praying for sick-leave on the ground that she is sick though without submitting a medical certificate in respect of her sickness and she further extended her leave in her subsequent letter dt. 28-7-1983 in Ex. M11 on the same ground of sickness. Whether the ground of sickness alleged by the petitioner and the explanation given by the Petitioner in Exs. M17 and M11 is satisfactory or not is a thing to be considered by the Management. The Management never stated anywhere that the ground on which the Petitioner absented from duty and the explanation given by her for her absence from duty in Exs. M17 and M11 is not satisfactory and on the other hand the Management entered into correspondence with the Petitioner and asked the Petitioner to submit the medical certificate to consider her case and finally the Management issued Ex. M12 letter dt. 3-2-1984 in response to the letter of the Petitioner dt. 28-7-1983 in Ex. M11, advising the Petitioner to produce medical certificate and also report for duty immediately. When the Management asked the petitioner to report to duty immediately in Ex. M12 it leads to the inevitable inference that the Management was satisfied with the ground of the sickness for the absence of the petitioner from duty w.e.f. 14-6-1983 and the explanation given by her for her absence from duty in Exs. M17 and M11 and therefore the Management of the Respondent Corporation asked the petitioner to report to duty immediately in Ex. M12. So under these circumstances, it cannot be said that over-staying of the sanctioned leave on the termination of the leave sanctioned, by the petitioner, in the present case does not fall under the mischief of the misconduct as defined in Sub-Clause 6 of Clause 16 of the Standing Orders of the Respondent-Corporation in Ex. M22, in my opinion.

12. As seen from the Medical Certificate enclosed to Ex. M18 letter of the Petitioner, the Doctor advised three months bed rest and seven more months rest thereafter. As seen from the evidence brought on record having received the said Medical Certificate sent by the Petitioner, the said certificate was sent to the Medical Officer of the Respondent Corporation for counter-signature and no evidence is brought on record by the respondent as to the action taken by the Respondent on receiving the Medical Certificate sent by the Petitioner along with Ex. M-8. So I am of opinion it is to be deemed that the said certi-

ificate is accepted by the Management of the Respondent Corporation. Whatever it may be, as stated by me earlier in view of the fact that the Petitioner submitted Exs. M17 and M11 letters seeking sick leave from 14-6-1983 and explaining the reason for her absence from attending the duty after the expiry of the sanctioned leave which was granted upto 13-6-1983 and in view of the petitioner submitting the Medical Certificate in respect of her sickness along with Ex. M18. I am of opinion that the conduct of the Petitioner does not attract the definition of misconduct in Sub-Clause 6 of Clause 16 of the Standing Orders in Ex. M22, in my opinion. The evidence of M. Ws. 2 and 3 does not establish that the Petitioner committed the misconduct as defined in Sub-Clause 6 of Clause 16 of the Standing Orders in Ex. M22 as the very essential ingredients of the said Sub-Clause that the over-staying the sanctioned leave without sufficient grounds or proper or satisfactory explanation within a week from the date of termination of sanctioned leave are not established in this case since the Petitioner has submitted an application in Ex. M17 applying for sick leave in continuation of the sanctioned leave and thereafter she extended the sick leave as per her letter in Ex. M11. The evidence of M.W. 3 with regard to the past conduct of the petitioner in respect of her frequent absence and insufficiency in discharging the duties and the documentary evidence in Exs. M27, M27(a) and M27(b) is of no avail to the Management to establish its case that the Petitioner committed the misconduct under Sub-Clause 6 of Clause 16 of the Standing Orders since the case of the Respondent was only with regard to over-staying of the sanctioned leave by the Petitioner w.e.f. 14-6-1983 as stated in Ex. M14 charge sheet and the said charge sheet is not with regard to the frequent absence of the petitioner from duty and about her insufficiency in discharging her duties. So adducing such evidence through M.W. 3 by the Respondent Corporation cannot but be said that it is intended to prejudice the rights of the petitioner. So in view of my above discussion, I hold that the Respondent Corporation failed to justify its action in dismissing the petitioner from service for her over-staying of the sanctioned leave with effect from 14-6-1983 as she was charged sheeted in Ex. M14.

13. Apart from the above finding of mine, it is pertinent to note that in Ex. M23 dismissal order it is categorically stated “I have also gone through record of your service in Indian Airlines and I do not find any extenuating circumstances in your case. On the contrary your record of service is extremely unsatisfactory and you are absenting from duty since 5th July 1984 till date. In view of the above, I have decided to impose the following punishment as proposed in our show cause letter No. DAD/STF/DISCPL/132 dated 4th March, 1985. “Dismissal from the service of Indian Airlines without benefits with immediate effects.” So it is very clear from the above extracted portion of dismissal order dated 1-5-1985 in Ex. M23, it is clearly stated that the petitioner was absenting from duty since 5th July, 1984 till the date of the order in Ex. M23. This observation of the Regional Director who passed the order of dismissal in Ex. M23 dismissing the petitioner from service

clearly discloses that the petitioner was dismissed from service for her absents from duty since 5th July, 1984 till the date of order in Ex. M23. Evidently as seen from the entire record and the evidence brought on record, the petitioner was not charge sheeted for her absence from 5th July, 1984 as seen from Ex. M14 charge sheet dated 4th July, 1984. So it is clear that the order of dismissal of the petitioner in Ex. M23 relates to the absence of the petitioner for the period subsequent to the date of Ex. M14 charge sheet and not for the period for which the charge sheet was issued to the Petitioner in Ex. M14 for which domestic enquiry was conducted against the petitioner as alleged by the Respondent-Corporation. So nothing is brought on record that any domestic enquiry was conducted against the petitioner for her absence from duty since 5th July, 1984 for the Respondent Corporation to justify its action in dismissing the petitioner for her absence from 5th July, 1984 as stated in Ex. M23 order of dismissal. Nothing is brought on record in the evidence adduced by the Respondent that before terminating the services of the petitioner, the Respondent Corporation complied with the provisions of Section 25F of the Industrial Disputes Act, 1917. In the absence of conducting any domestic enquiry against the petitioner for her absence since 5th July, 1984 for which the dismissal order in Ex. M23 was passed by the concerned authority as stated in Ex. M23 order itself, and in the absence of complying with the provisions of Section 25F of the I.D. Act, it cannot be said that under any circumstances the Respondent-Corporation is justified in dismissing the petitioner from service and therefore, the order of dismissal in Ex. M23 is liable to be set aside, in my opinion. It is also pertinent to note that it is clear from the contents of Ex. M23 as stated by me earlier, the dismissal order in Ex. M23 does not relate to the misconduct of the petitioner over staying the sanctioned leave from 14-6-1983 for which she was charge-sheeted in Ex. M14 charge-sheet and therefore it cannot be said under any circumstances that the action of the Respondent Corporation in dismissing the petitioner from service for the misconduct of over-staying of the sanction leave by the petitioner from 14-6-1983 is justified in the evidence of M. Ws. 2 and 3 adduced on behalf of the Respondent Corporation. On the other hand, it is also pertinent to note that no dismissal order dismissing the petitioner from service for the misconduct as alleged in Ex. M14 charge sheet is filed into Court for the Respondent-Corporation to claim that it has justified its action in dismissing the petitioner from service for the misconduct alleged in Ex. M14 charge sheet, by way of adducing the evidence of M. Ws. 2 and 3. So in view of my above discussion, I am of opinion that the Petitioner is entitled for reinstatement into service.

14. The learned counsel for the Respondent contended that in any view of the matter the petitioner is not entitled for any relief in this case, much less for the relief of reinstatement as in view of the conduct of the petitioner in absents herself from attending to duty abnormally for a long period, it is to be deemed that she has abandoned the job. In support of his contention the learned counsel for the Respondent cited a ruling reported in **BUCKINGHAM & CAR-**

**NATIC CO. v. VENKATIAH (I)** wherein it was held :

“(f) The certified Standing Orders represent the relevant terms and conditions of service in a statutory form and they are binding on the parties at least as much, if not more, as private contracts embodying similar terms and conditions of service. It is true that under common law an inference that an employee has abandoned or relinquished service is not easily drawn unless from the length of absence and from other surrounding circumstances an inference to that effect can be legitimately drawn and it can be assumed that the employee intended to abandon service. Abandonment or relinquishment of service is always a question of intention, and normally, such an intention cannot be attributed to an employee without adequate evidence in that behalf. But where parties agree upon the terms and conditions of service and they are included in certified Standing Orders, the doctrines of common law or consideration of enquiry would not be relevant. It is then a matter of construing the relevant term itself.”

The learned counsel for the Respondent also cited another ruling in **SHAMOODUL HAQUE v. REGISTRAR, CO. OP. SOCIETIES, BIHAR (I)** wherein it was held :

“(A) Where sufficient opportunity is given to explain the conduct but it is not availed of requirements of natural justice or Art. 311 cannot be said to have been contravened.

The undenied and undeniable fact that the appellant had actually abandoned his post of duty for an exceedingly long period, without sufficient grounds for his absence, was so glaring that giving him further opportunity to disprove what he practically admitted could serve no useful purpose.”

In the present case on hand, it is not the case of the Respondent that the petitioner abandoned the job and therefore she is not entitled for reinstatement, nor was it the case of the Respondent that the petitioner was removed from service due to the long absence without intimation or applying for leave, and deeming that she abandoned the job. In the present case, admittedly the petitioner applied for sick leave from 14-6-1983 as per Ex. M17 in continuation of her sanctioned leave till 13-6-1983 and later she extended her sick leave as per Ex. M11 letter and correspondence was entered into between the Management of the Respondent Corporation and the petitioner in that regard. So in any view of the matter as pointed out by me earlier, it cannot be interpreted that the Petitioner absented without sufficient grounds for her absence to say that it is to be deemed that the petitioner abandoned her job as contended by the learned counsel for the Respondent.

On the other hand it is pertinent to note that this contention was raised by the Respondent in the counter filed by it. On the other hand it is also pertinent to note that the order of dismissal in Ex. M23 is not on the ground of abandonment of the job by the petitioner and the evidence adduced on behalf of the Respondent is also not to the effect that the petitioner abandoned the job. Whatever it may be, the charge sheet in Ex. M14 is not for the abandonment of the job by the petitioner and therefore the contention raised by the learned counsel for the Respondent that it is to be deemed that the petitioner abandoned her job in view of the fact of her long absence from attending duty without sufficient grounds, does not hold water and cannot be accepted. So the two rulings referred to above and cited by the learned counsel for the Respondent are of no help to hold that the Respondent is successful in justifying its order in Ex. M23, dismissing the petitioner from service.

15. The next question that falls for my consideration is whether the Petitioner is entitled for back wages and continuity of service and if so from what date she would be entitled for back wages.

16. As seen from Ex. M12 letter, the Management directed the petitioner to produce medical certificate and also to report for duty immediately. In response to Ex. M12 the petitioner has sent Ex. M13 reply in which the petitioner stated that as she fell ill and the illness is of Orthopaedic nature, that she was not able to attend her normal duties for some time and she was able to recover from the said severe condition later, that at the same time, she was advised by the Doctor to take complete rest for another two months and she requested the Management in Ex. M13 that she may be informed whether she should report to duty forthwith despite the little illness in state of which she still continues, or alternatively she may be permitted to have leave for another couple of months. Admittedly no reply was given by the Respondent to the Petitioner issuing necessary directions to the Petitioner. Whatever it may be, in view of the contents in Ex. M13, it is clear that the petitioner intended to be on leave for two more months from 22-2-1984, the date of Ex. M13 i.e. till 22-4-84. It is stated in Ex. M18 letter dated 6-1-1985 that the petitioner sent the original as well as the photo stat copy of the medical certificate issued by the Medical Officer. As seen from the evidence brought on record, it appears that the petitioner did not report to join the duty even after the expiry of two months from the date of Ex. M13 letter in which she requested for grant of leave for two more months from the date of that letter on the ground that she was advised complete rest by the Doctor. So it is not as though the petitioner was refused to be admitted to duty by the Management of the Respondent Corporation on her having reported to duty at any time subsequent to the expiry of two months from the date of Ex. M13 and before the date of Ex. M18 letter addressed by her to the Respondent. So it cannot be said that the petitioner is not entitled for back wages for any period till 6th January, 1985. It is not also the case of the Petitioner that she is reported to duty

before the Management of the Respondent Corporation on any day subsequent to the date of Ex. M18 and that she was refused to be admitted to duty by the Management of the Respondent Corporation.

16. It is contended by the learned counsel for the Petitioner that if the order of dismissal of the employee by the Management is declared illegal, the employee is entitled for the back wages for the date of dismissal. In support of his contention the learned counsel for the petitioner cited a ruling reported in *DOSH RAJ GUPTA v. I.I. IV LUCKNOW & ANR.* (1) wherein it was held :

I. Held : By asking the Management to justify the punishment by adducing additional evidence, the Tribunal merely renounced the employer of his rights and the employer promptly availed of that opportunity. There is no illegality in the course adopted by the Tribunal.

II. Held : If the order of punishment passed by the Management is declared illegal and the punishment is upheld subsequently by a Labour Tribunal, the date of dismissal cannot relate back to the date of the illegal order of the employer. In such cases, the workman is entitled to the salary from the date of dismissal till the date of award."

In the present case, the petitioner was dismissed from service by virtue of the order dated 1-5-1985 in Ex. M23 with immediately effect i.e. from 1-5-85. So in view of the above referred ruling cited by the learned counsel for the Petitioner I am of opinion that it is reasonable to award back wages to the petitioner from the date of dismissal order in Ex. M23 i.e. from 1-5-1985 but under the facts and circumstances, I am of opinion that it is reasonable to award half of back wages to the petitioner w.e.f. 1-5-1985. Under the facts and circumstances of the case, I hold that the Petitioner is entitled for continuity of service. Hence I answer the point accordingly.

17. In the result, an Award is passed directing the Respondent Corporation to reinstate the petitioner into service forthwith, with continuity of service and to pay half of the back wages to the petitioner with effect from 1-5-1985, the date of dismissal. The Respondent Corporation is further directed to pay the back wages as awarded to the Petitioner within one month from the date of publication of this Award, failing which the Petitioner is entitled to recover the same with interest at 12 per cent per annum from the date of publication of this award. It is further directed that the petitioner is entitled for the wages from the date of publication of this Award, if the Management fails to reinstate the petitioner into service, within one month from the date of publication of this Award. I make no order as to costs and circumstances of the case.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 13th day of September 1991.

G. KRISHNA RAO, Industrial Tribunal.  
[No. L-11012/19/87D.II(B)]  
D. M. DAVID, Desk Officer.

## Appendix to Evidence

Witnesses examined for the

Respondent-Management.  
M.W. 1 Capt. R. N. Tandon  
(before preliminary point)

Witnesses examined for  
the Petitioner-workman  
W.W.1 Jhansi Rani  
(before preliminary point)

## Documents marked for the Management

- Ex. M1|19-10-84 Photostat copy of the Operation Manager's Order dt. 10-10-84 appointing Capt. R. N. Tandon as Enquiry Officer as Presiding Officer for holding Departmental enquiry against Miss Jhansi Rani.
- Ex. M2|9-11-84 Photostat copy of the Enquiry notice dt. 9-11-84 issued to both the addresses of Miss Jhansi Rani by the Enquiry Officer.
- Ex. M3 Photostat copy of the acknowledgement received from Miss Jhansi Rani.
- Ex. M4|23-11-84 Photostat copy of the Enquiry Notice dt. 23-11-84 issued to both the addresses of Miss Jhansi Rani by the Enquiry Officer.
- Ex. M5 Photostat copy of the acknowledgement received from Miss Jhansi Rani.
- Ex. M6|14-12-84 Photostat copy of the Enquiry notice dt. 14-12-84 issued to both the addresses of Miss Jhansi Rani by the Enquiry Officer.
- Ex. M7 Photostat copy of the acknowledgement received from Miss Jhansi Rani.
- Ex. M8 Photostat copy of the Enquiry Proceedings.
- Ex. M9|23|29-1-85 Photostat copy of the Enquiry Officer's letter dt. 23|29-1-85 sent to the workmen with regard to enquiry.
- Ex. M10|23-1-85 Photostat copy of the Enquiry report dt. 23-1-85.
- Ex. M11|28-7-83 Photostat copy of the extension leave application of Miss Jhansi Rani, addressed to the Operations Manager, Indian Airlines, Northern Region, Delhi.
- Ex. M12|3-2-84 Photostat copy of the Operation Manager's letter dt. 3-2-84 addressed to the workman advising her to produce a Medical Certificate in support of sickness and to report for duty immediately and also advising her that she is being treated as absent and liable for disciplinary action.

- Ex. M13|22-2-84 Photostat copy of the Representation dt. 22-2-84 made by Miss Jhansi Rani, to the Operation Manager, I.A. Northern Region, Delhi with regard to report for duty.
- Ex. M14|4-7-84 Photostat copy of the charge sheet dt. 4-7-84 sent to the workman under regd. post and by Operations Manager.
- Ex. M15 Photostat copy of the Regd. A.D. letter posted at Hyderabad address of Miss Jhansi Rani, received back with the remarks "Party not found".
- Ex. M16 Photostat copy of the Regd. A.D. letter posted at Hyderabad address of Miss Jhansi Rani received back with the remarks "Party out of station."
- Ex. M17|14-6-83 Photostat copy of the letter dt. 14-6-84 of Jhansi Rani to the Chief Air Hostess, Indian Airlines, Northern Region, Delhi with regard to mark her sick from 14th instant onwards since her privilege leave is upto 13-6-1983.
- Ex. M18|6-1-85 Photostat copy of the un-signed letter dt. 6-1-85 of B.A. Jhansi Rani to the Operations Manager, Indian Airlines, Northern region, New Delhi.
- Ex. M19 Photostat copy of the acknowledgement card addressed to Jhansi Rani.
- Ex. M20|12-7-78 Photostat copy of the procedure for grant of leave dt. 12-7-78.
- Ex. M21|11-9-1974 Photostat copy of the staff notice dt. 11-9-74 with regard to grant of sick-privilege leave on grounds of sickness and grant of casual leave.
- Ex. M22 Photostat copy of the standing orders of Indian Airlines, Corporation, Headquarters notification.
- Ex. M23|1-5-85 Photostat copy of the dismissal order dt. 1-5-85 sent to Miss. B. A. Jhansi Rani by Regd. A. D. by the Regional Director, Indian Airlines, Northern Region 124 Janpath, New Delhi.
- Ex. M24|20|21-4-85 Photostat copy of the representation dt. 20|21-4-85 made by B. A. Jhansi Rani to the Regional Director, Indian Airlines 124 Janpath, Thapar House, New Delhi.
- Ex. M25|7-5-85 Photostat copy of the Mercy Petition of B. B. Jhansi Rani dt. 7-5-1985 addressed to the Managing Director, Indian Airlines, Northern Region.
- Ex. M26|10-7-86 Photostat copy of the another Mercy petition dt. 10-7-1986 of B.A. Jhansi Rani, addressed to the Operations Manager, Northern Region, Indian Airlines, New Delhi.



Ex. M27/5-9-79 Photostat copy of the confirmation report dt. 5-9-89 pertaining to Miss B. A. Jhansi Rani.

Ex. M27(a) Photostat copy of the appraisal form for non-technicians staff-Grade III to IX appraisal for the period from 1-7-83 to 30-6-84 pertaining to Miss B.A. Jhansi Rani.

Ex. M27(b) Photostat copy of the appraisal form from non-technicians Staff Grades III to IX Appraisal for the period from 1-7-82 to 30-6-83 pertaining to Miss B.A. Jhansi Rani.

Documents marked for the Petitioner-workman.

Ex. W1/5-4-83 Xerox copy of the letter dt. 5-4-83 submitted by Miss Jhansi Rani, Air Hostess to the Director of Operations, Indian Airlines, New Delhi.

#### श्रम मंत्रालय

नई दिल्ली, 17 अक्टूबर, 1991

का.आ. 2842 बीड़ी कर्मकार कल्याण निधि नियमावली, 1978 के नियम 3 के उप नियम (2) के साथ पठित बीड़ी कर्मकार कल्याण निधि अधिनियम 1976 (1976 का 62) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा निम्नलिखित व्यक्तियों को मध्य प्रदेश राज्य के लिए बीड़ी कर्मकार कल्याण निधि की मलाहकार समिति के सदस्य के रूप में नियुक्त करती है

1. श्रीमती जयश्री बनर्जी, विधान सभा सदस्य, जबलपुर
2. श्री गणेश प्रसाद कोश्टी,  
कोश्टी मोहल्ला, कामाथ बार्ड, गदरवारा,  
जिला नरसिंहपुर

(स्वर्गीय डा. एल.एन. सिन्हाकारी के स्थान पर)

और इस प्रयोजन हेतु भारत के राजपत्र भाग II, खण्ड 3, उप खण्ड (ii) दिनांक 10 नवम्बर, 1984 के पृष्ठ 3267-3268, में प्रकाशित भारत सरकार, श्रम मंत्रालय के का.आदेश संख्या 3581 दिनांक 20 अक्टूबर तथा 23 दिसम्बर, 1984 की अधिसूचना में अब आगे निम्न प्रकार के संशोधन करती है :—

उक्त अधिसूचना में क्रम संख्या 4 तथा 7 और उनसे संबंधित प्रविष्टियों के स्थान पर क्रमशः निम्नलिखित प्रतिस्थापित की जायेगी अर्थात :—

4. श्रीमती जयश्री बनर्जी—सदस्य  
सदस्य विधान सभा,  
मध्य प्रदेश, जबलपुर

7. श्री गणेश प्रसाद कोश्टी, ---कर्मचारियों के प्रतिनिधि  
कोश्टी मोहल्ला कामाथ,  
बार्ड गदरवारा,  
जिला नरसिंहपुर।

[सं. य.-19012/1/87-डब्ल्यू/II (सी)]  
MINISTRY OF LABOUR

New Delhi the 17th October, 1991

S.O. 2842.—In exercise of the powers conferred by section 5 of the Beedi Workers Welfare Fund Act, 1976 (62 of 1976) read with sub-rule (2) of rule 3 of the Beedi Workers Welfare Fund Rules, 1978, the Central Government hereby appoints the following persons as members of the Advisory Committee for Beedi Workers Welfare Fund for the State of Madhya Pradesh :—

1. Smt. Jayshree Banerjee,  
Member of Legislative Assembly,  
Jabalpur.
2. Shri Ganesh Prasad Koshti,  
Koshti Mohalla,  
Kamathward, Gadarwara,  
District Narsingpur.

and for that purpose further amends notification of the Government of India, in the Ministry of Labour No. S.O. 3581 dated the 20th/23rd December, 1984, published at pages 3267-3268 of the Gazette of India, Part II, section 3, sub-section (ii) dated the 10th November, 1984, as follows :—

In the said notification, for serial numbers 4 and 7 and the entries relating thereto, the following shall respectively, be substituted, namely:—

- “4. Smt. Jayshree Banerjee,  
Member of Legislative  
Assembly, Madhya Pradesh  
Jabalpur. —Member
7. Shri Ganesh Prasad Koshti,  
Koshti Mahalla,  
Kamathward, Godarwara, Employees’  
District Narsingpur. Representative”

[No. U-19012/1/87-W II(C)]

का.आ. 2843—चूना-पत्थर और डोलोमाइट खान श्रम कल्याण निधि नियमावली, 1973 के नियम 3 तथा नियम 18 के उप-नियम (2) के साथ पठित चूना-पत्थर और डोलोमाइट खान श्रम कल्याण अधिनियम, 1972 (1972 का 62) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा राजस्थान राज्य की चूना-पत्थर और डोलोमाइट कल्याण निधि के लिए मलाहकार समिति का गठन करती है और उपर्युक्त समिति में निम्नलिखित व्यक्तियों को नियुक्त करती है अर्थात :—

1. श्रम मंत्री  
राजस्थान सरकार
2. कल्याण आयुक्त,  
श्रम कल्याण मंत्रालय,  
भारत सरकार भीलवाड़ा



- |   |  |  |
|---|--|--|
| 3. क्षेत्रीय श्रमायुक्त<br>(केन्द्रीय) अजमेर  | सदस्य (पदेन)                                   | 4. Shri Srichand Kripalani, Member of State<br>M.L.A.,<br>Nimbera. —Legislature.<br>(Member).  |
| 4. श्री श्रीचन्द्र कृपालानी,<br>विधायक, निम्बहेरा   | राज्य विधान सभा का सदस्य<br>(सदस्य)            | 5. Shri C.S. Jain,<br>Vice-President, —Member<br>Messers Associated Stone —representing<br>Industries, Ramganj Mandi, owners.<br>District Kota.      |
| 5. श्री सी.एस. जैन<br>उपअध्यक्ष,<br>मै. एसोसिएटेड स्टोन<br>इंडस्ट्रीज, रायगंज मंडी,<br>जिला कोटा            | नियोजकों का प्रतिनिधित्व<br>करने वाले सदस्य    | 6. Shri Rakesh Sharma, Member.<br>Personnel Manager, —representing<br>J.K. Cement Workers, owners.<br>Nimbehra,<br>(Rajasthan).                      |
| 6. श्री राकेश शर्मा,<br>कार्मिक प्रबन्धक,<br>जे.के. सीमेंट कर्मकार,<br>निम्बहेरा (राजस्थान)                 | नियोजकों का प्रतिनिधित्व<br>करने वाले सदस्य    | 7. Shri Cori Shankar Besana,—Member<br>Chief Secretary, —representing<br>Rashtriya Mazdoor Sangh, employees.<br>Ramganj Mandi, Kota,<br>(Rajasthan). |
| 7. श्री गौरी लंकर बेसाना,<br>मुख्य सचिव,<br>राष्ट्रीय मजदूर संघ रायगंज<br>मंडी, कोटा (राजस्थान)             | कर्मचारियों का प्रतिनिधित्व<br>करने वाले सदस्य | 8. Shri Muslim Khan, Member<br>President, —representing<br>Sany Limestone Mazdoor Sangh employees<br>Care R.S.M.D.C., Jaisalmer,<br>(Rajasthan).     |
| 8. श्री मुस्लिमखान,<br>अध्यक्ष,<br>सानु लाइमस्टोन मजदूर संघ<br>द्वारा आर.एस.एम.डी.सी.<br>जैसलमेर (राजस्थान) | कर्मचारियों का प्रतिनिधित्व<br>करने वाले सदस्य | 9. Smt. Tara Bhandari, Member<br>M.L.A. —representing<br>Sirohi, women.  |
| 9. श्रीमती तारा भंडारी,<br>विधायक, मिरोही   | महिलाओं का प्रतिनिधित्व<br>करने वाली सदस्य     | 10. Welfare Administrator,<br>Bhilwara. —Secretary.  |
| 10. कल्याण प्रशासक,<br>भीलवाड़ा   | सचिव   |  |

2. उपर्युक्त सलाहकार समिति का मुख्यालय भीलवाड़ा में होगा।

[सं यू-19012/2/89-डब्ल्यू-II (सी)]

S.O. 2843. —In exercise of the powers conferred by section 6 of the Limestone and Dolomite Mines Labour Welfare Fund Act, 1972 (62 of 1972) read with sub-rule (2) of rule 3 and rule 18 of the Limestone and Dolomite Mines Labour Welfare Fund Rules 1973, the Central Government hereby constitutes the Advisory Committee for Limestone and Dolomite Mines Labour Welfare Fund for the State of Rajasthan and appoints the following persons to the said Committee, namely:—

1. Labour Minister,  
Government of Rajasthan. —Chairman
2. Welfare Commissioner,  
Ministry of Labour,  
Government of India, —Vice-Chairman  
Bhilwara. (ex-officio).
3. Regional Labour Commissioner  
(Central). —Member  
Ajmer. (ex-officio).

2. The headquarters of the said Advisory Committee shall be at Bhilwara.

[No. U-19012/2/89-W.II(C)]

का.आ. 2844.—लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान श्रमिक कल्याण निधि नियम 1978 के नियम 3 के उपनियम (1) के साथ पठित लौह अयस्क खान, मैंगनीज अयस्क खान तथा क्रोम अयस्क खान श्रमिक कल्याण निधि—अधिनियम 1976 की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा केन्द्रीय सलाहकार समिति गठित करती है जिसमें निम्नलिखित सदस्य होंगे, अर्थात् :—

1. श्रम उपमंत्री,  
भारत सरकार, नई दिल्ली  
सरकारी प्रतिनिधि —अध्यक्ष
2. अपर सचिव  
श्रम मंत्रालय, नई दिल्ली —उपाध्यक्ष  
(पदेन)
3. महानिदेशक (श्रम कल्याण)  
श्रम मंत्रालय, नई दिल्ली
4. कल्याण आयुक्त, (मुख्यालय)  
श्रम मंत्रालय, नई दिल्ली

5. कल्याण आयुक्त,  
श्रम कल्याण संगठन,  
555-ए/2, नया ममफोर्डगेज  
इलाहाबाद-211002
6. कल्याण आयुक्त,  
श्रम कल्याण संगठन,  
14-ए, गांधी नगर,  
मीलवाड़ा (राजस्थान)
7. कल्याण आयुक्त,  
श्रम कल्याण संगठन,  
33, अशोक नगर,  
भुवनेश्वर-751009
8. कल्याण आयुक्त,  
श्रम कल्याण संगठन,  
75 मिल्लर रोड,  
बंगलूर-560052
9. कल्याण आयुक्त,  
श्रम कल्याण संगठन,  
ब्लॉक V (भूतल) भामान्य पूल कार्यालय आवास काम्प्लेक्स  
(नजदीक गवर्नमेंट मैटर्निटी हस्पताल),  
सुल्तान बाजार, हैदराबाद-500195
10. कल्याण आयुक्त,  
श्रम कल्याण संगठन,  
44, नर्मदा रोड, जबलपुर-482001
11. कल्याण आयुक्त,  
श्रम कल्याण संगठन,  
पो.ओ. झुमरीतलीया,  
जिला हजारीबाग, कर्मा-829137
12. कल्याण आयुक्त,  
श्रम कल्याण संगठन,  
5, सेंट्रल बाजार रोड,  
नागपुर-440010
13. कल्याण आयुक्त,  
श्रम कल्याण संगठन,  
162, श्यामा प्रसाद मुखर्जी रोड,  
कलकत्ता-700026
14. श्री जे.के. भट्टाचार्य,  
अध्यक्ष एवं प्रबन्ध निदेशक,  
उड़ीसा खान निगम लि.,  
भुवनेश्वर-751001
15. श्री पी.आर. मेर,  
कार्यकारी निदेशक,  
राँ मैटिरियल डिबीजन,  
भारतीय इस्पात प्राधिकरण,  
चार्टर्ड बैंक बिल्डिंग,  
4, नेताजी सुभाष रोड, द्वितीय तल,  
कलकत्ता-700001
16. श्री एम. कुमार,  
निदेशक (उत्पादन) राष्ट्रीय खनिज विकास निगम लि.  
खनिज भवन, 10-3-311/ए, कैम्पल हिल्स,  
ममब टैंक, हैदराबाद-500028
17. श्री शालिग्राम सिंह,  
महाप्रबन्धक (खान) बोलानी अयस्क खान,  
बोलानी।
18. श्री डी.के. साहनी,  
महा प्रबन्धक (प्रचालन)  
मैंगनीज अयस्क (इंडिया) लि.,  
3 माउन्ट रोड, एक्सटेंशन,  
नागपुर-440001
19. श्री मन मोहन सिंह,  
मुख्य कार्मिक प्रबन्धक,  
राष्ट्रीय खनिज विकास निगम लि.,  
खनिज भवन, 10-3-311/ए कैम्पल हिल्स,  
ममब, टैंक, हैदराबाद-500028
20. श्री ए.एस. मल्होत्रा,  
मुख्य (मानव संसाधन विभाग),  
मैंगनीज अयस्क (इंडिया) लि.,  
3, माउन्ट रोड एक्सटेंशन,  
नागपुर-440001
21. श्री बी.के. बर्मा,  
वरिष्ठ प्रबन्धक (आई. आर.)  
भारतीय इस्पात प्राधिकरण लि.,  
इस्पात भवन, लोदी रोड,  
नई दिल्ली-110003
22. श्री एम.के. वैष्णोपाल,  
प्रबन्धक (कार्मिक),  
मैंगनीज अयस्क (इंडिया) लि.,  
3, माउन्ट रोड एक्सटेंशन,  
नागपुर-440001
23. श्री जी.के. सरिन,  
संयुक्त निदेशक (आर.एम.डी.)  
कच्चा माल प्रभाग,  
भारतीय इस्पात प्राधिकरण,  
इस्पात भवन, लोदी रोड,  
नई दिल्ली-110003
24. श्री के.एस. साहू,  
उप महा प्रबन्धक (प्रशासन),  
उड़ीसा खनन निगम लि.,  
भुवनेश्वर-751001
25. श्री सी. आर. महापात्र,  
महाप्रबन्धक (एम.पी.),  
उड़ीसा खनन निगम लि.,  
भुवनेश्वर-751005

## कर्मचारियों के प्रतिनिधि

26. श्री पी.के. बैनर्जी,  
मार्फत नोग्रामुन्डी मजदूर यूनियन,  
निवास एवं डाकघर—नोग्रामुन्डी,  
जिला सिंह भूम (बिहार)
27. श्री बी. सी. दास,  
महासचिव,  
टिस्को सुखिण्डा क्रोमाइट खान कर्मकार यूनियन,  
डाकघर—कालारिघाटा,  
वाया जे.के. रोड,  
जिला कटक (उड़ीसा)
28. श्री एन.के. भट्ट,  
उपाध्यक्ष,  
इंडियन नेशनल माइन वर्कर्स फेडरेशन,  
डी-32, तारा अपार्टमेंट्स, कानकाजी,  
नई दिल्ली-110019
29. डा. सुधाकर कुलकर्णी  
भारतीय मजदूर संघ, रामनरेश भवन,  
तिलक गली, पहाड़गंज,  
नई दिल्ली
30. श्री देवेन्द्र साहू,  
मुखिण्डा उपायका माइन्स वर्कर्स यूनियन,  
डाकघर—मुखिण्डा, जिला कटक,  
उड़ीसा
31. श्री सत्य प्रिय महन्ती,  
वर्कर्स एण्ड पीजेन्ट्स हाउस,  
राउरकेला-769001 (उड़ीसा)
32. श्री पुरनेन्दु मजूमदार,  
महासचिव,  
क्योंझार माइन्स एण्ड फोरेस्ट वर्कर्स यूनियन (रेड फ्लैग)  
डाकघर—चक्रधरपुर (बिहार)
33. श्री क्रिस्टोफर फोन्सेका  
महासचिव,  
गोवा माइन्स एण्ड जनरल वर्कर्स यूनियन,  
बेल्होस बिल्डिंग, दूसरा तल,  
निकट म्युनिसिपल गार्डन,  
डाकघर—पंजिम (गोवा)
34. श्री पी.के. पटनायक,  
राउरकेला मजदूर सभा एच.एम.एस.,  
बारसोइया आइरन माइन्स,  
डाकघर—टेन्सा, जिला सुन्दरगढ़  
(उड़ीसा)
35. श्री एम पी पान्डे,  
सचिव, बस्तर खदान मजदूर संघ,  
2/बी, न्यू कालोनी,  
डाकघर—किरन्तुल-494556  
जिला बस्तर (मध्य प्रदेश)

36. श्री इन्द्रमणि बेहरा,  
मार्फत सीटू की उड़ीसा राज्य समिति,  
प्लॉट नं. 251, खारवेल नगर,  
यूनिट-3, भुवनेश्वर-751001

37. श्रीमती मायाबी दीप,  
सचिव, भारतीय मंगनीज मजदूर संघ.,  
बी.एम.एस. ऑफिस,  
डाकघर—यूकवा, जिला—बालाघाट  
(मध्य प्रदेश)

39. कल्याण प्रशासक (मुख्यालय) सचिव  
श्रम मंत्रालय,  
नई दिल्ली

[फा.स. यू.-23011/1/88-डब्ल्यू.-II (सी)]

S.O. 2844.—In exercise of the powers conferred by section 6 of the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976 (61 of 1976) read with sub-rule (1) of rule 3 of the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Rules, 1978, the Central Government hereby constitutes the Central Advisory Committee consisting of the following members, namely:—

1. Deputy Minister for Labour, —Chairman  
Government of India,  
New Delhi.

## Members Representing Government:

2. Additional Secretary, —Vice-Chairman  
Ministry of Labour, (ex-officio)  
New Delhi.

3. Director General (Labour Welfare),  
Ministry of Labour,  
New Delhi.

4. Welfare Commissioner (Headquarters),  
Ministry of Labour,  
New Delhi.

5. Welfare Commissioner,  
Labour Welfare Organisation,  
555-A/2, New Mumfordganj,  
Allahabad-211 002.

6. Welfare Commissioner,  
Labour Welfare Organisation,  
44-A, Gandhi Nagar,  
Bhilwara (Rajasthan).

7. Welfare Commissioner,  
Labour Welfare Organisation,  
33, Ashok Nagar,  
Bhubaneswar-751 009.

8. Welfare Commissioner,  
Labour Welfare Organisation,  
75, Millers Road,  
Bangalore-560 052.

9. Welfare Commissioner,  
Labour Welfare Organisation,  
Block V (Ground Floor)  
Central Pool Office Accommodation Com-  
plex. (Near Government Maternity Hospi-  
tal), Sultan Bazar, Hyderabad-500 195.

10. Welfare Commissioner,  
Labour Welfare Organisation,  
44, Narmada Road,  
Jabalpur-482 001.
  11. Welfare Commissioner,  
Labour Welfare Organisation,  
P.O. Jhumrelaiya,  
District Hazaribagh,  
Karma-829137.
  12. Welfare Commissioner,  
Labour Welfare Organisation,  
5, Central Bazar, Road,  
Nagpur-440 010.
  13. Welfare Commissioner,  
Labour Welfare Organisation,  
162, Shyam Prasad Mukherjee Road,  
Calcutta-700 026.
- Members Representing Employers:
14. Shri J.K. Bhattacharya,  
Chairman-cum-Managing Director,  
Orissa Mining Corporation Limited,  
Bhubaneswar-751 001.
  15. Shri P.R. Merh,  
Executive Director,  
Raw Material Division,  
Steel Authority of India Ltd.,  
Chartered Bank Building,  
4, Netaji Subhas Road  
2nd Floor,  
Calcutta-700 001.
  16. Shri M. Kumar,  
Director (Production),  
National Mineral Development Corporation Limited,  
Khanij Bhawan,  
10-3-311/A Castle Hills,  
Masab Tank,  
Hyderabad-500 028.
  17. Shri Saligram Singh,  
General Manager (Mines),  
Bolani Ore Mines,  
Bolani.
  18. Shri D. K. Sahni,  
General Manager (Operation),  
Manganese Ore (India) Ltd.,  
3, Mount Road, Extension,  
Nagpur-440 001.
  19. Shri Man Mohan Singh,  
Chief Personnel Manager,  
National Mineral Development Corporation Ltd.,  
Khanij Bhawan,  
10-3-311/A Castle Hills,  
Masab Tank,  
Hyderabad-500 028.
  20. Shri A. S. Malhotra,  
Chief (Human Resources Department),  
Manganese Ore (India) Limited,  
3, Mount Road Extension  
Nagpur-440 001.
  21. Shri V.K. Verma,  
Senior Manager (IR),  
Steel Authority of India Ltd.,  
Ispat Bhavan,  
Lodi Road,  
New Delhi-110 003.
  22. Shri M.K. Venugopal,  
Manager (Personnel),  
Manganese Ore (India) Ltd.,  
3, Mount Road Extension,  
Nagpur-440 001.
  23. Shri G.K. Sarin,  
Joint Director (IR),  
Raw Materials Division,  
Steel Authority of India Ltd.,  
Ispat Bhavan,  
Lodi Road,  
New Delhi-110 003.
  24. Shri K. S. Sahoo,  
Deputy General Manager (Adm.),  
Orissa Mining Corporation Ltd.,  
Bhubaneswar-751 001.
  25. Shri C. R. Mohapatra,  
General Manager (MP),  
Orissa Mining Corporation Ltd.,  
Bhubaneswar-751 001.
- Member Representing Employees :
26. Shri P. K. Banerjee,  
C/o Noamundi Mazdoor Union,  
At & P.O. Noamundi,  
District Singbhum (Bihar).
  27. Shri B.C. Das,  
General Secretary,  
TISCO Sukhinda Chromite Mine Workers  
Union,  
P.O. Kalarinhata,  
Via J.K. Road,  
District Cuttack (Orissa).
  28. Shri N.K. Bhatt,  
Vice-President,  
Indian National Mineworkers Federation,  
D-32, Tara Apartments,  
Kalkaji,  
New Delhi-110 019.
  29. Dr. Sudhakar Kulkarni,  
Bharatiya Mazdoor Sangh,  
Ram Naresh Bhavan,  
Tilak Gali,  
Paharganj,  
New Delhi-110 055.
  30. Shri Debendra Sahu,  
Sukinda Upatyaka Mines Workers Union,  
P.O. Sukinda,  
District Cuttack,  
Orissa.
  31. Shri Satya Priya Mahanti,  
Workers & Peasants House,  
Rourkela-769 001,  
Orissa.

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| <p>32. Shri Purnendu Mazumdar,<br/>General Secretary,<br/>Keonjhar Mines and Forest<br/>Workers Union (Red Flag),<br/>P.O. Chaktadharpur (Bihar).</p> <p>33. Shri Christopher Fonseca,<br/>General Secretary,<br/>Goa Mines and General Workers Union,<br/>Velhos Building,<br/>2nd Floor,<br/>Near Municipal Garden,<br/>P.O. Panjim (Goa).</p> <p>34. Shri P.K. Patnaik,<br/>Rourkela Mazdoor Sabha (HMS),<br/>Barsoia Iron Mines,<br/>Post Tensa,<br/>District Sundergarh (Orissa).</p> <p>35. Shri M.P. Pandey,<br/>Secretary,<br/>Baster Khadan Mazdoor Sangh,<br/>2/B, New Colony,<br/>P.O. Kirandul-494 556,<br/>District Bastar (M.P.).</p> <p>36. Shri Indramani Behra,<br/>C/o Orissa State Committee of CITU,<br/>Plot No. 251,<br/>Kharvel Nagar,<br/>Unit 3,<br/>Bhubaneswar-751 001.</p> <p>37. Smt. Mayobi Deep,<br/>Secretary,<br/>Bharatiya Mangnize Mazdoor Sangh,<br/>B.M.S. Office,<br/>Post Ukwa,<br/>District Balaghat (M.P.).</p> <p>38. Welfare Administrator (Headquarters).<br/>Ministry of Labour,<br/>New Delhi.</p> | <p>4. श्री अब्दुल हमनत,<br/>एम. एल. ए. फरक्का<br/>(पश्चिम बंगाल विधान<br/>सभा-सदस्य)</p> <p>5. श्री आनंद पॉल,<br/>मार्फत आ. टी. पॉल,<br/>पोस्ट आफिस औरंगाबाद,<br/>मुंशिदाबाद<br/>सदस्य,<br/>मानिकों के प्रतिनिधि</p> <p>6. श्री अनिल कुमार दास,<br/>प्रबंध निदेशक,<br/>मैसर्स मृतालीनी बीड़ी मैन्यु-<br/>फैक्चरिंग कं.<br/>(प्रा.) लि., औरंगाबाद,<br/>जिला—मुंशिदाबाद<br/>सदस्य<br/>—मानिकों के प्रतिनिधि</p> <p>7. जनाब हुमायूं रेजा,<br/>विधायक,<br/>जनरल सैफेदरी, जार्गापुर महाकमा बीड़ी<br/>श्रमिक यूनियन<br/>(बी.पी.एन.टी.यू.सी.)<br/>177-बी, आचार्य जगदीश चन्द्र<br/>ब्रामु रोड,<br/>कलकत्ता-6<br/>कर्मचारियों के प्रतिनिधि</p> <p>8. श्री मो. निजामुद्दीन,<br/>सीटू, श्रमिक भवन,<br/>53, आचार्य जगदीश चन्द्र ब्राम रोड,<br/>कलकत्ता-16<br/>—वही—</p> <p>9. श्रीमती आरती दास गुप्ता,<br/>श्रमिक भवन,<br/>53, आचार्य जगदीश चन्द्र ब्राम रोड,<br/>कलकत्ता-16<br/>महिलाओं की प्रतिनिधि</p> <p>10. कल्याण प्रशासक,<br/>श्रम कल्याण संगठन,<br/>कलकत्ता<br/>—सचिव</p> |
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- [No. U-23011/1/88-W.II(C)]

नई दिल्ली, 24 अक्टूबर, 1991

का.आ. 2845.—बीड़ी कर्मकार कल्याण निधि नियम, 1978 के नियम 3 के उपनियम (2) और नियम 16 के साथ पठित बीड़ी कर्मकार कल्याण निधि अधिनियम, 1976 (1976 का 62) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार एतद् द्वारा पश्चिम बंगाल राज्य के लिए बीड़ी कर्मकार कल्याण निधि की सलाहकार समिति गठित करती है और निम्नलिखित व्यक्तियों को उक्त समिति के सदस्य नियुक्त करती है :—

1. प्रभारी मंत्री, श्रम विभाग  
पश्चिम बंगाल सरकार — अध्यक्ष
2. कल्याण आयुक्त, कलकत्ता  
श्रम कल्याण संगठन, श्रम पदेन, उपाध्यक्ष  
मंत्री — मानिकों के प्रतिनिधि
3. अनिर्गुण श्रम आयुक्त, सदस्य,  
पश्चिम बंगाल सरकार राज्य सरकार के प्रतिनिधि  
(पदेन)

2. उक्त मलाहकार समिति का मुख्यालय कलकत्ता में होगा।

[सं. य. 19012/13/90-डब्ल्यू-1(सी)]

New Delhi, the 24 October, 1991

S.O. 2845.—In exercise of the powers conferred by section 5 of the Beedi Workers Welfare Fund Act, 1976 (62 of 1976) read with sub-rule (2) of rule 3 and rule 16 of the Beedi Workers Welfare Fund Rules, 1978, the Central Government hereby constitutes the Advisory Committee for Beedi Workers Welfare Fund for the State of West Bengal and appoints the following persons to the said Committee, namely:—

1. Minister-in-charge of Labour Department,  
Government of West Bengal. Chairman

- |   |  |
|---|--|
| 2. Welfare Commissioner,<br>Labour Welfare Organisation,<br>Ministry of Labour,<br>Government of India,<br>Calcutta.  | Vice-Chairman<br>(ex-officio)                                      |
| 3. Additional Labour<br>Commissioner,<br>Government of West Bengal  | Member repre-<br>senting the<br>State Govern-<br>ment (ex-officio) |
| 4. Shri Abul Hasanat,<br>M.L.A.,<br>Farakka.  | Member of the<br>West Bengal<br>State Legisla-<br>ture<br>(Member) |
| 5. Shri Anand Paul,<br>C/o R.T. Paul,<br>P.O. Aurangabad,<br>Murshidabad.   | Member repre-<br>senting owners                                    |
| 6. Shri Anil Kumar Das,<br>Managing Director,<br>Messrs Mrinalini Biri<br>Manufacturing Company<br>(Pvt). Ltd.,<br>Aurangabad,<br>Distt. Murshidabad.           | Member repre-<br>senting owners                                    |
| 7. Shri Janab Humayun Reza,<br>M.L.A.,<br>General Secretary,<br>Jangipar Mahakuma Biri<br>Sramik Union<br>(BPNTUC),<br>177/B, A.J.C. Basu Road,<br>Calcutta-16. | Member repre-<br>senting<br>employees                              |
| 8. Shri Md. Nizamuddin,<br>CITU,<br>Sramik Bhavan,<br>53, A.J.C.,<br>Basu Road,<br>Calcutta-16.   | Member<br>representing<br>employees                                |
| 9. Smt. Arati Dasgupta,<br>Shramik Bhramik Bhavan,<br>53, A.J.C.,<br>Basu Road,<br>Calcutta-16.   | Member<br>representing<br>women                                    |
| 10. Welfare Administrator,<br>Labour Welfare Organisation,<br>Calcutta.   | Secretary  |

2. The headquarters of the said Advisory Committee shall be at Calcutta.

[No. U-19012/13/90-W. II (C)]

का.आ. 2846.—बीड़ी कर्मकार कल्याण निधि नियमावली 1978 के नियम 3 के उपनियम (2) के साथ पठित बीड़ी कर्मकार कल्याण निधि अधिनियम, 1976 (1976 का

62) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार इसके द्वारा दिनांक 2 सितम्बर, 1989 के भारत के राजपत्र के भाग 2, खंड-3, उपखंड (ii) में पृष्ठ 2567 पर प्रकाशित भारत सरकार श्रम मंत्रालय की अधिसूचना सं. का. आ. 2070, दिनांक 10 अगस्त 1989 में निम्नलिखित संशोधन करती है।

उक्त अधिसूचना में क्र. सं. 4 और इससे संबंधित प्रविष्टि में निम्नांकित प्रतिस्थापित किया जाये, अर्थात्:—

“4. श्री दिलीप सिंह जबान सिंह ठाकुर,  
विधानसभा सदस्य  
मुकाम पोस्ट—छिपरो  
तालुका—कपड़वां  
जिला खेड़ा —सदस्य”

[सं. यू-19012/3/87-इस्यू II (सी)]

S.O. 2846.—In exercise of the powers conferred by section 5 of the Beedi Workers Welfare Fund Act, 1976 (62 of 1976) read with sub-rule (2) of rule 3 of the Beedi Workers Welfare Fund Rules, 1978, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour S.O. 2070 dated the 10th August, 1989 published in the Gazette of India dated the 2nd September, 1989 Part II, section 3, sub-section(ii) at page 2567 namely:—

In the said notification, for serial number 4 and the entry relating thereto, following shall be substituted, namely :—

“4. Shri Dilipsinh Jawansinh Thakor,  
Member of Legislative Assembly,  
At Post Chhipdi,  
Taluka Kapadvanj,  
District Kheda. ...Member.”

[No. U-19012/3/87W.II(C)]

का. आ. 2847 :—लौह अयस्क खान, मैंगनीज अयस्क, खान और क्रोम अयस्क खान श्रम कल्याण निधि नियमावली, 1978 के नियम 3 के उपनियम (2) के साथ पठित लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान श्रम कल्याण निधि अधिनियम, 1976 (1976 का 61) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, इसके द्वारा, कर्नाटक राज्य के लिये सलाहकार समिति का गठन करती है जिसमें निम्नलिखित सदस्य होंगे, अर्थात् :—

- |   |                  |
|---|------------------|
| 1. श्रम मंत्री, कर्नाटक सरकार   | अध्यक्ष          |
| 2. कल्याण आयुक्त,<br>लौह अयस्क, मैंगनीज अयस्क<br>और क्रोम अयस्क<br>खान श्रम कल्याण संगठन,<br>बंगलौर | उपाध्यक्ष (पदेन) |

3. क्षेत्रीय अध्यायक (केन्द्रीय) बंगलौर	सदस्य (पदेन)	constitutes the Advisory Committee for the State of Karnataka consisting of the following members, namely:	
4. निदेशक, खान सुरक्षा निदेशालय, ऊर्गाव अंचल, पो. आ. ऊर्गाव (कर्नाटक)	सदस्य (पदेन)	1. Minister of Labour, Government of Karnataka.	Chairman
5. श्री एम. शंकर रेड्डी, एम. एल. ए., सिरुगप्पा	सदस्य	2. Welfare Commissioner, Iron Ore, Manganese Ore and Chrome Ore Mines Labour Welfare Organisation, Bangalore.	Vice-Chairman (ex-officio)
6. श्री कर्तिकेय एम. घोरपडे महा प्रबन्धक (खान) सन्दुर मंगनीज एण्ड आयरन ओरज लि., देओगिरी पोस्ट-583112, वाया-सन्दुर, बैल्लेरी जिला	नियोजकों के प्रतिनिधि	3. Regional Labour Commissioner (Central), Bangalore.	Member (ex-officio)
7. श्री एम. बी. रघुलु, स्वतंत्र अभियन्ता और खान मालिक, होस्पेट	"	4. Director, Directorate of Mines Safety, Oorgaum Region, P.O. Oorgaum, (Karnataka).	Member (ex-officio)
8. श्री मुनीर अहमद, खान मालिक कमलापुर पोस्ट, होस्पेट तालुक बैल्लेरी जिला।	"	5. Shri M. Shankar Reddy, M.L.A., Sirguppa.	Member
9. श्री के. सोमप्पा, सचिव, समिश्रित श्रमिक संघ देओगिरी—पोस्ट 583112, वाया-मान्धुर, जिला बैल्लेरी।	कर्मचारियों के प्रतिनिधि	6. Shri Kartikeya M. Ghorpade, General Manager (Mines), The Sandur Manganese and Iron Ores Limited, Deogiri Post-583112, Via Sandur, District Bellary.	Employers' Representatives
10. श्री गुडुसाब, भूतपूर्व एम. एल. ए. श्री रामुल नगर, रामा सिनेमा के पीछे, होस्पेट, जिला बैल्लेरी।	"	7. Shri S.V. Raghulu, Mining Engineer and Mines Owner, Hospet.	
11. श्री मैती पम्पापाठी, पोस्ट-रम्पाना- यकाहल्ली, होस्पेट तालुक, जिला बैल्लेरी	"	8. Shri Muneez Ahmed, Mines Owner, Kamlapur Post Hospet Taluk, District Bellary.	
12. श्रीमती शान्ता, श्री मालप्पा हालासावार की पत्नी मार्फत एम. एच. हालासावर, अधिवक्ता, पुराना एस. बी. आई. के निकट मकान, मुद्देभिहल।	महिला प्रतिनिधि	9. Shri K. Somappa, Secretary, SMIORE Workers Union, Deogiri Post-583112, Via Sandur, District Bellary.	
13. कल्याण प्रशासक, श्रम कल्याण संगठन, बंगलौर	सचिव	10. Shri Gudusab, Ex-M.L.A., Sri Ramulu Nagar, Behind Rama Talkies, Hospet, District Bellary.	
2. केन्द्रीय सरकार इसके द्वारा सलाहकार समिति का मुख्यालय बंगलौर निश्चित करती है। [फाईल संख्या-यू-19012/10/88-उल्लेख-II (सी)] बी. डी. नागर, अवर सचिव		11. Shri Meti Pampapathi, At Post Rampanayakana halli, Hospet Taluk, District Bellary.	
S.O. 2847.—In exercise of the powers conferred by section 5 of the Iron Ore Mines, Mangan- ese Ore Mines and Chrome Ore Mines Labour Wel- fare Fund Act, 1976 (61 of 1976), read with sub-rule (2) of rule 3 of the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Rules, 1973, the Central Government hereby cons-		12. Smt. Shantha, W/o of Shri Mallappa Halannavr, C/o M.H. Halannavr, Advocate, House Near Old S.B.I., Muddebihal.	Woman Representative

13. Welfare Administrator,  
Labour Welfare Organisation, Secretary  
Bangalore.

2. The Central Government hereby fixes Bangalore to be the headquarters of the Advisory Committee.

[No. U-19012/10/88-W.II (C)]  
V.D. NAGAR, Under Secy.

नई दिल्ली, 21 अक्टूबर, 1991

का.या. 2848.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मं. बी. सी. सी. एन. की मूनीडिह प्रोजेक्ट के प्रबन्धन में संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मं. 1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-10-91 को प्राप्त हुआ था।

New Delhi, the 21st October, 1991

S.O. 2848.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. I, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Moonidih Project of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 14-10-91.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1) (d) of the Industrial Disputes Act, 1947.

Reference No. 30 of 1983

#### PARTIES :

Employers in relation to the management of Moonidih Project of M/s. B.C.C. Ltd.

#### AND

Their workmen

#### APPEARANCES :

For the employers : Shri R. S. Murthy, Advocate.

For the workmen : Shri J. D. Lall, Advocate.

STATE : Bihar INDUSTRY : Coal

Dated, the 30th September, 1991

#### AWARD

By Order No. L-20012(347)82-D.III(A), dated, the 16th/28th April, 1983, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal.

"Whether the action of the management of Moonidih Project of Messrs Bharat Coking Coal Limited, in not promoting Shri R. P. Singh from clerical Grade-I to Special Grade from the date when his juniors were promoted, is justified? If not, to what relief is the said workman entitled?"

2. The case of the employers in relation to the management of Moonidih Project of M/s. Bharat Coking Coal Ltd., as disclosed in the written statement, details apart, is as follows :

The present reference is misconceived in as much as R. P. Singh, the workman concerned, was not an employee of Moonidih Project as on the date of reference. Besides the management of Moonidih Project did not promote any clerk junior to R. P. Singh to the post of clerical special grade when Sri Singh was employed in Moonidih Project. Anyway, R. P. Singh was a clerk Grade-II in Dharmaband Colliery within the jurisdiction of Area III (Govindpur Area) of M/s. B.C.C. Ltd. He was holding the same post at time of nationalisation of the colliery on 1-5-72. In December, 1976, he was transferred as clerk Grade-II from Dharmaband Colliery to Moonidih Project which was entirely a different project not connected with Govindpur Area in the normal course as the employees of M/s. B.C.C.L. were transferable among various collieries/establishments. Moonidih Project does not form a part of any area of M/s. B.C.C. Ltd. The dispute relating to the demand of the sponsoring union, Rashtriya Colliery Mazdoor Sangh (hereinafter referred as R.C.M.S.) for placing Sri Singh in Clerk Grade-I on the ground that he was discharging the duties of loading supervisor for a long time was referred to arbitration of S/Shri G. D. Pandey, Secretary of R.C.M.S. and A. P. Sinha, the then Dy. Chief Personnel Manager (Executive Establishment, of M/s. B.C.C. Ltd. This was not an arbitration under Section 10A of the Industrial Disputes Act. However, the arbitrators, after hearing parties gave divergent awards and in the circumstances the matter should have been referred to an Umpire. But instead of having recourse to a reference of the matter to the umpire, it was negotiated mutually between the management and the union and the settlement was arrived at under the Industrial Disputes Act on 29-7-81 in terms of which it was agreed that Sri Singh would be placed in clerk Grade-I with retroactive effect from 1-1-75 and the dispute would be deemed to have been resolved fully. When the settlement was signed the sponsoring union never raised the question of further promotion of R. P. Singh. Naturally, therefore, he would have to take his chance for promotion to the next higher grade i.e. special grade under the promotion rules of the management which were finalised in June 1977 in consultation with the different principal trade unions functioning on the Central Consultative Committee of M/s. B.C.C. Ltd. The union by letter dated 29-4-82 addressed to Asstt. Labour Commissioner (Central), Dhanbad-II claimed that six persons junior to R. P. Singh in clerical Grade-I were earlier promoted after 1-1-75 to clerical Special Grade and he should be given promotion from the same date as his juniors. The management explained the position to the Asstt. Labour Commissioner (C), Dhanbad, that as far Govindpur Area is con-



cerned those six persons who were promoted, were all senior to R. P. Singh. It was explained that no one was junior to R. P. Singh or whose date of promotion to the clerical grade-I was later than 21-12-74 was promoted to Clerical Grade Special after 1-1-1975. It will be evident that in the context of facts and circumstances of the case Sri Singh has not been superseded by any junior employee holding the post in Clerical Grade-I at Moonidih Project. Promotions at this level are not on the basis of seniority only as per promotion rules of the management but merit is also taken into the account for selection. Six clerks Grade-I of Moonidih Project were promoted by an Office Order issued by the management dated 21/23-2-1980 as per the promotion rules of the management. The promotion of these employees was very much within the knowledge of the sponsoring union when the settlement dated 29-7-81 was arrived at between the union and the management. The question of further promotion of the workman concerned was not raised by the union. At any rate, even if the date of appointment of R. P. Singh to the post of Clerk Grade-I was taken as 1-1-75, he was not senior to any of the employee who were promoted. It has been alleged that the sponsoring union, by raising the present demand, is going back on the settlement dated 29-7-81 even though it was binding on it. Sri Singh was transferred from Moonidih Project in June, 1982 to the Putki Balihari Project of M/s. B.C.C. Ltd. which is a separate project and not covered by any area and later, he was transferred to Kusunda Area of M/s. B.C.C. Ltd. where he is now employed. He is no longer in Moonidih Project and the management of Moonidih Project cannot be called upon to give him any benefit in the matter of promotion. In the context of facts and circumstances, he is not entitled to any relief whatsoever.

3. The case of the workman concerned, as appearing in the written statement submitted on his behalf by the sponsoring union, Rashtriya Colliery Mazdoor Sangh, briefly stated, is as follows :

The concerned workman is a permanent employee of the management in clerical grade in the post of loading supervisor in Moonidih Project and since 1-1-75 he was paid clerical Grade-I time scale of payment and emoluments. In terms of the cadre scheme in BCCL an employee in a particular grade will be entitled in a seniority list of the same grade and the same seniority list will be revised every year and in the event of promotions/upgradations the individuals would be entitled to the same benefit according to the seniority list of the clerical cadre. Accordingly, the concerned workman should be deemed to have been in clerical grade-I with effect from 1-1-75 and in the next promotion he should have been given clerical Special Grade since in M/s. B.C.C. Ltd such posts (Loading Supervisors) are in Clerical Special Grade. Sometime in 1981 the management have promoted several Clerical Grade-I employees of 1975 batch to Clerical Special Grade but the concerned workman was left out for the reasons best known to the management. The workman himself as well as the union on his behalf made several representations before the management, but to no avail. The management promoted/upgraded several employees from Clerical Grade-I to Clerical Special Grade who joined M/s.

B.C.C.L. in 1976 in the post of Loading Supervisor in which the concerned workman was employed. The action of the management of M/s. BCCL is arbitrary and illegal and the workman has to suffer financial and consequential losses for no fault on his part. The concerned workman should be allowed the benefit of promotion to Clerical Special Grade with effect from 1-1-1981.

4. In rejoinder to the written statement of the sponsoring union, the management has stated that the modalities of preparation of seniority list and the issued of promotion/upgradation have been elaborately stated in its written statement. The management has denied that the concerned workman worked in the post of Loading Supervisor at Moonidih Project since 1-1-75. The management has also denied and disputed each and every contention of the union in its rejoinder.

5. The parties arrayed have not laid any evidence, oral or documentary in the present case Shri R. S. Murthy, learned Advocate for the management and the representative of the sponsoring union have submitted that the case be decided and award passed on the basis of facts as emerging from the pleadings.

6. Upon consideration of the pleadings of the parties the following facts remain undisputed.

Shri R. P. Singh, the workman concerned, was posted as Clerk-Grade-II in Dharmaband Colliery within Area III (Govindpur Area) of M/s. B.C.C. Ltd. at the time of nationalisation of the colliery i.e. 4-5-1972. In December 1976 he was transferred from Dharmaband colliery as Clerk Grade-II to Moonidih Project which was entirely a different Project not connected with Govindpur Area in normal course of business. Then again, in June, 1982 he was transferred from Moonidih Project to Putkee Balihari Project of M/s. B.C.C. Ltd. which is a separate Project and later he was transferred to Kusunda Area of M/s. B.C.C. Ltd. (Area VI).

R.C.M.S. raise dispute relating to the demand for placing the concerned workman in Clerical Grade-I on the ground that he was discharging the duties of Loading Supervisor for long. The dispute was referred to arbitration of S/Shri G. D. Pandey, Secretary of the R.C.M.S. and A. P. Sinha, the then Deputy Chief Personnel Manager (Executive Establishment). The arbitrators rendered divergent awards over the dispute and thereafter negotiation ensued between the management and R.C.M.S. and a settlement was arrived at under the Industrial Disputes Act on 29-7-1981 in terms of which it was agreed that Shri Singh would be placed in Clerical Grade-I with retrospective effect from 1-1-75 and that the dispute would be deemed to have been resolved fully.

7. At the time when the dispute was settled Sri Singh was posted in Moonidih Project. The present reference was made on 3-5-83 when Sri Singh seemed to have been posted to Putkee Balihari Project of M/s. B.C.C. Ltd. In the context of these facts the management has contended that the present reference is not competent since at the time when the dispute was raised Sri Singh was no longer employed under Moonidih Project. In my view, this contention is absolutely

baseless and without any merit. Sri Singh was not transferred to Pu'kee Bahari Project on his own choice, but at the instance of the management. Hence, the management cannot by any stretch of imagination deny him any benefit which was available to him while he was working in Moonidih Project. These projects and areas have come into being for the convenience of the administration of the management and the workmen have not no hand in it and they remain the employees of M/s. B.C.C. Ltd. working in different areas, projects and collieries.

8. Anyway, the case of the sponsoring union is that since the concerned workman was performing the job of Loading Supervisor, he should have been placed in Clerk Special Grade since in M/s. B.C.C. Ltd. such posts are in clerical special grade. The contention of the union has not been followed up by any solid evidence. That apart the union arrived at a settlement with the management on 29-7-81 whereby it agreed to placement of the concerned workman in Clerk Grade-I. This being so, the claim of the union on this score founders on the ground.

9. Then again, the case of the union is that sometime in 1981 the management promoted several clerical grade employees of 1975 batch to clerk special grade, but the concerned workman was left out. The management has asserted that six clerks in clerical grade-I of Moonidih Project were promoted by Office Order dated 21/23-2-80 in conformance to Promotion Rules of the management to clerical special grade. Then again, the management has asserted that even if the appointment of the concerned workman to the post of clerk grade-I is taken as 1-1-75 he was not senior to any of the employees who were promoted. This assertion of the management has not been disproved by any cogent evidence. Hence, on this score as well as the demand of the sponsoring union for placing the concerned workman in clerk special grade founders on the ground. The union has further asserted that the management of M/s. B.C.C. Ltd. promoted/upgraded several employees from clerk grade-I to clerk special grade who joined M/s. B.C.C. Ltd. in 1976 in the post of Loading Supervisor. The management has asserted that the statement of facts made by the union is misconceived and baseless. The union has not specified the names of the employees who joined M/s. B.C.C. Ltd. in 1975 and promoted from Clerk Grade-I to Clerk Special Grade. This being so, I am constrained to state that the claim of the union on this score as well is not sustainable.

10. Accordingly, the following award is rendered the action of the management of Moonidih Project of M/s. B.C.C. Ltd. in not promoting Sri R. P. Singh from Clerical Grade-I to Special Grade is justified.

In the circumstances of the case, I award no cost.

Sd/-

S. K. MITRA, Presiding Officer  
[No. L-20012/34782-D. III(A) IIR(C.I)]

का.आ. 2849.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकारमार्फत ई. सी. एल. की चापापुर-2 कोलियरी के

प्रबन्धता से संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-10-91 को प्राप्त हुआ था।

S.O. 2849.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Chapapur-II Colliery of M/s. E.C.L. and their workmen, which was received by the Central Government on 14-10-91.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 105 of 1988

#### PARTIES :

Employers in relation to the management of Chapapur-II Colliery of M/s. Eastern Coalfield Ltd. (Nirsa Area). P.O. Nirsachatti (Dhanbad).

#### AND

Their Workmen.

#### APPEARANCES :

For the Employers : Shri R. S. Murthy, Advocate.

For the Workmen : Shri B. K. Ghosh, Member, Executive Committee, Janta Mazdoor Sangh.

STATE : Bihar

INDUSTRY : Coal.

Dated, the 30th September, 1991

#### AWARD

By Order No. L-20012/41/88-D. III(A), dated, the 2nd August, 1988, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management in dismissing Shri Aklu Kole, underground loader of Chapapur-II of Nirsa Area of M/s. Eastern Coalfields Limited, Dhanbad with effect from 10-01-84 is justified? If not, to what relief is the workman entitled?"

2. The case of management of Chapapur-II Colliery of M/s. Eastern Coalfields Ltd. of Nirsa Area, Dhanbad, as disclosed in the written statement-cum-rejoinder, details apart, is as follows :

Aklu Kole, workman concerned, was employed as an underground loader in Chapapur-II Colliery. Model Standing Orders framed by the Central Government under the Industrial Employment (Standing Orders)

Act, 1946 are applicable to the workers of Chapapur-II Colliery. Continuous absence of a workman from work without permission and without satisfactory causes for more than ten days is a misconduct under clause 17(i)(n) of the said Standing Orders. The concerned workman continuously absented from duty with effect from 4-2-83 without permission and without any satisfactory cause which attracted the provisions of the Model Standing Order. The management patiently waited for information from the workman concerned for more than six months and then issued him with a chargesheet dated 24-8-83 for the afore-said misconduct. He submitted his reply to the chargesheet after lapse of about three months on 15-11-83. His reply was found to be unsatisfactory and a domestic enquiry was held to enquire into the charge framed against him. Shri M. Ghosh was appointed Enquiry Officer for holding enquiry. After due notice to the concerned workman an enquiry was held into the charge framed against him in accordance with the principles of natural justice. The Enquiry Officer submitted his report holding the concerned workman guilty of the charge framed against him. The report of the Enquiry Officer was considered by the Agent of the colliery and after accepting the finding of the Enquiry Officer he came to the conclusion that the concerned workman deserved to be dismissed from service on account of the charge proved against him. The report of the Enquiry Officer, the proceedings of the enquiry etc. were put up thereafter to the General Manager, Nirsa Area in which Chapapur-II colliery falls. The General Manager accorded his approval of dismissal of the concerned workman from service. Accordingly he was dismissed from service by letter dated 18-1-1984 issued by the General Manager, Nirsa Area. The management has stated that absenteeism of workers in the colliery has become a chronic and endemic problem and it is adversely affecting the mining activities and production of coal. In view of these facts, the management has prayed that the action taken by it in dismissing the concerned workman from service be held to be justified.

3. The case of the concerned workman as appearing in the written statement submitted on his behalf by the sponsoring union, Janta Mazdoor Sangh, is as follows :

Aklu Kole, a permanent workman of Chapapur-II Colliery of Nirsa Area fell ill/sick from 4-2-83 and thereafter he was unable to perform his duties. He informed the management of his illness by letters sent on 5-2-83 with request for grant of leave on account of sickness. He sent further letters by post on 7-3-83, 11-4-83, 9-5-83, 5-7-83, 22-9-83 and 10-10-83. The management issued a chargesheet against him in August, 1983 which, however, was served on him in November, 1983 when he reported for duty after recovery from illness. He submitted his reply to the chargesheet on 15-11-83 together with supporting documents. The management did not allow him to resume duty and decided to hold domestic enquiry into the matter. He participated in the domestic enquiry and submitted documents before the Enquiry Officer in support of information sent by him regarding his illness. Despite the documentary evidence which should have been found enough to support his case of illness, he was found guilty of the misconduct of absence without information and sufficient cause.

He was dismissed from service with effect from 18-1-84. The action of the management in dismissing him from service is unjustified. He has prayed that he be reinstated in service with full back wages with effect from 18-1-84.

4. In rejoinder to the written statement of the sponsoring union, the management has stated that the concerned workman was an underground loader of Chapapur-II colliery, but it has denied that the concerned workman fell ill from 4-2-83 and was therefore unable to perform his duties. The management has elaborately equipped dispensaries and hospitals and serious cases are referred to Central Hospital, Dhanbad or Central Hospital at Sanctoria where treatments are given free of cost. The management has denied that the chargesheet was served on the concerned workman in November, 1983. The management has further submitted that the charge against the concerned workman was proved in the domestic enquiry.

5. In rejoinder to the written statement of the management, the sponsoring union has denied and disputed the facts and contentions of the management as contained in its written statement.

6. At the instance of the management the propriety and fairness of the domestic enquiry was considered as preliminary issue.

The management examined MW-1 Harisadhan Ghosal, Attendance Clerk of Chapapur-II Colliery and laid in evidence entire domestic enquiry proceeding which have been marked Exts. M-1 to M-11.

7. Upon consideration of evidence on record it was held that the domestic enquiry was held fairly and properly. Thereafter the case was heard on merit.

8. Admittedly, Aklu Kole was working as an underground loader at Chapapur-II Colliery on Nirsa Area of M/s. Eastern Coalfields Ltd. It has been asserted by the sponsoring union that Aklu Kole was working as a permanent underground loader of the said colliery. The management could not adduce any evidence to disprove this fact. This being so, it is concluded that Aklu Kole was working as permanent underground loader of Chapapur-II colliery.

9. Admittedly, Model Standing Order for Industrial Employment in Coal Mines is applicable to Chapapur-II colliery.

It is the case of the management that Aklu Kole continuously absented from duty with effect from 4-2-1987 without permission and without any satisfactory cause which constituted misconduct and attracted the provisions of clause 17(i)(n) of the Model Standing Order. Clause 17(i)(n) of the Model Standing Orders provides as follows :

"Continuous absence without permission and without satisfactory cause for more than ten days."

It is the further case of the management that the concerned workman was issued with a chargesheet dated 24-8-83 and the concerned workman replied to the chargesheet on 15-11-83 after a lapse of about three months from the date of issue of the chargesheet.

It is the case of the sponsoring union that the concerned workman fell ill and informed the management of his illness by letter sent by post on 5-2-83 with a request for grant of leave on account of his illness and that he sent further letters to the management by post on 7-3-91, 11-4-83, 9-5-83, 5-7-83, 22-9-83 and 10-10-83. It has been asserted by the union that the concerned workman was served with a chargesheet in November, 1983 when he reported for duty after recovery from illness. The management has denied that the chargesheet was served on him in November, 1983. It appears from the chargesheet that it was dated 20/24/8-83 (Ex. M-1). The chargesheet discloses that since the concerned workman absented from duty from 4-2-83 without authorised leave/permission or intimation which amounted to misconduct of continuous absence without permission or without satisfactory cause for ten days under Clause 17(i)(n) applicable to Coal Mines Industry and he was directed to explain within 48 hours from the date of receipt of the chargesheet as to why disciplinary action should not be taken against him (Ext. M-1). There is no evidence on record as to when that chargesheet was served on the concerned workman. It has been asserted by the sponsoring union that it was served in November, 1983. Anyway, in reply to the chargesheet the concerned workman stated that he went to village home on casual leave, fell ill there and was admitted in the hospital and sent information to the management by letter dated 17-3-83 sent under registered post.

10. In his reply to the chargesheet the concerned workman stated that he was undergoing treatment in hospital, but he produced a certificate from a private medical practitioner dated 12-11-83. (Ext. M-5). The certificate bears out that the concerned workman was suffering from Koch's abdomen since 15-3-83 and was advised rest. The certificate further discloses that he was fit to resume duty. It bears the L.T.I. of the concerned workman.

Shri B. K. Ghosh, authorised representative of the sponsoring union has submitted that the concerned workman is an illiterate Adivasi workman and he has no sophistication to discern between hospital and the chamber of a private medical practitioner. Shri R. S. Murthy has not disputed that the concerned is an Adivasi workman. It appears that he is an illiterate workman. Considering these facts I am constrained to hold that there is much force in the submission of Shri Ghosh when he has submitted that the concerned workman has not sophistication to distinguish between hospital and the chamber of the private medical practitioner.

It appears that he sent intimation to the management about his illness by letters dated 22-9-83 (Ext. M-6) and 10-10-83 (Ext. M-7). In both these letters he prayed for leave with effect from 17-3-83 on the ground of illness till his recovery.

The medical certificate produced by the concerned workman indicates that he was suffering from Koch's abdomen and the doctor advised him to take complete rest. This being so, it is clear that he did not absent himself from duty without any satisfactory cause. Then again, he provided information to the management about his illness although not as expeditiously as desired. But it must not be forgotten that he

is an illiterate Adivasi workman and hence it cannot be expected of him that he should have as much sophistication as an ordinary literate man is expected to have.

It appears that the Enquiry Officer did not disbelieve the fact that the concerned workman was ill but since he could not give any explanation regarding his absence from 4-2-83 to 14-3-83 and in the process he was absent for more than ten months (although he sent information on 22-9-82 and 10-10-83), he held him guilty of the charge levelled against him. I have already held that the concerned workman did not remain absent from duty without any satisfactory cause. He also provided information to the management about his illness and prayed for grant of leave till his recovery. In the circumstances, I hold that the management is not justified in dismissing him from service with effect from 18-1-1984 (and not 16-1-84). He is entitled to be reinstated in service, but since he has failed to inform the management about his illness in time, he is not entitled to get full back wages. In my view, the ends of justice will be met if he is awarded 40% of his back wages from the date of his dismissal from service till he resumes his duty.

11. Accordingly, the following award is rendered the action of the management in dismissing Shri Aklu Kole, underground loader of Chapapur-II Colliery of Nirma Area of M/s. Eastern Coalfields Ltd., Dhanbad, with effect from 10-1-84 is not justified. The management is directed to reinstate him in service within one month from the date of publication of the award and pay him 40% of his back wages from the date of his dismissal from service till he resumes his duty with continuity of service.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer

[No. L-20012/41/88-D.II(A)]IR(C.I)]

नई दिल्ली, 23 अक्टूबर, 1991

का.आ. 2850.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स डी. सी. एल. की अंगारपथरा कोलियरी के प्रबन्धन में संबंधित नियोक्तों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (मं. 27), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-10-91 को प्राप्त हुआ था।

New Delhi, the 23rd October, 1991

S.O. 2850.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Angarapathra Colliery of M/s. B.C.C.L. and then workmen which was received by the Central Government on the 14-10-91.

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD  
In the matter of a reference under Section 10(1)(d)  
of the I.D. Act, 1947.

REFERENCE NO. 311 OF 1986

## PARTIES :

Employers in relation to the management of  
Angarpathra Colliery of M/s. Bharat Coking  
Coal Limited.

AND

Their Workmen.

## APPEARANCES :

On behalf of the workmen : Shri S.N. Goswami,  
Advocate.

On behalf of the employers : Shri B. Joshi, Advoca-  
cate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhaubad, the 30th September, 1991

## AWARD

The Govt. of India, Ministry of Labour in exercise  
of the powers conferred on them under Section 10(1)  
(d) of the I.D. Act, 1947 has referred the following  
dispute to this Tribunal for adjudication vide their  
Order No. L-20012(149)/86-D.III(A), dated, the 20th  
August, 1986.

## SCHEDULE

"Whether the action of the management of  
Angarpathra Colliery of M/s. Bharat Coking  
Coal Limited, in dismissing from service  
their workman Shrimati Dukhiya Bhuini,  
Wagon Loader from 7-2-1895 was justi-  
fied ? If not, to what relief is the said work-  
man entitled ?"

2. In this case both the parties appeared and filed  
their respective W.S. documents. Thereafter the case  
proceeding along its course. Subsequently both the  
parties appeared and submitted before me a petition  
for passing 'No dispute' Award on the ground that the  
concerned workman in the present industrial dispute  
died during the pendency of the reference and there  
is no genuine dependent to claim any relief on her  
behalf and accordingly the sponsoring union agreed  
to drop the dispute in overall settlement.

Since the union has agreed to drop the dispute and  
there is no dispute existing between the employers and  
the workmen, I am constrained to pass a 'No dispute'  
Award in the reference.

B. RAM, Presiding Officer  
[No. L-20012/149/86-D.III(A)] [IR(C).I]  
K. J. DYVA PRASAD, Desk Officer.

नई दिल्ली, 22 अक्तूबर, 1991

का.ग्रा. 28:51-औद्योगिक विवाद अधिनियम, 1947  
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय  
सरकार टेलीकाम फैक्ट्री बम्बई, के प्रबन्धतंत्र के संबद्ध नियोजकों

और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक  
विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1 बम्बई  
के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को  
14-10-91 को प्राप्त हुआ था ।

New Delhi, the 22nd October, 1991

S.O. 2851.—In pursuance of Section 17 of the In-  
dustrial Disputes Act, 1947 (14 of 1947), the Central  
Government hereby publishes the award of the Central  
Government Industrial Tribunal, No. 1, Bombay  
as shown in the Annexure, in the industrial dispute  
the employers in relation to the management of Tel-  
com Factory, Bombay and their workmen, which was  
received by the Central Government on 14-10-91.

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 1 AT BAMBAY  
(PRESIDING OFFICER : JUSTICE S. N. KHATRI)  
REFERENCE NO. CGIT-45 OF 1991

## PARTIES :

h Employers in relation to the Management of  
Telcom Factory, Bombay.

AND

Their Workmen.

## APPEARANCES :

For the Management : Shri P.M. Masurkar, Adv.  
For the Workman : None present.

INDUSTRY : Telecommunication

STATE : महाराष्ट्र Maharashtra.

Bombay, dated the 30th September, 1991

## AWARD

The Central Government has referred the following  
industrial dispute to this Tribunal under section 10 of  
the Industrial Disputes Act, 1947, for adjudication;

"Whether the management of Telecom Factory,  
Deonar, Bombay are justified in denying the  
incentive payment to 13 workmen promoted  
from unskilled to Semi Skilled category (as  
per the Annexure) from the date they were  
promoted ? If not, what relief are these  
workmen entitled to ?"

2. The All India Post and Telegraphs Industrial  
Workers Union has not put in appearance on the last  
two dates. They have in fact refused service of notice  
twice. It appears that they are not interested in prose-  
cuting the reference. Today also they have remained  
absent. In the circumstances, I dismiss the reference  
for want of prosecution. No orders as to costs.

S. N. KHATRI, Presiding Officer  
[No. L-40011/22/90-IR(RU)(Pt)]

नई दिल्ली, 22 अक्तूबर, 1991

का.ग्रा. 2852-औद्योगिक विवाद अधिनियम, 1947  
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय  
सरकार इण्डिया गवर्नमेंट मिंट, बम्बई, के प्रबन्धतंत्र के संबद्ध  
नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट  
औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण  
नं. 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय  
सरकार को 11-10-91 को प्राप्त हुआ था ।

S.O. 2852.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2 Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of India Govt Mint, Bombay and their workmen, which was received by the Central Government on 11-10-91.

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, AT BOMBAY

PRESENT :

Shri P.D. Apshankar, Presiding Officer.  
Reference No. CGIT-2/28 of 1991

PARTIES :

The employers in relation to the Management of India Government Mint, Bombay.

AND

Their Workmen

APPEARANCES :

For the management : Shri B. M. Masurkar Advocate.

For the workmen : No appearance.

INDUSTRY : Mint STATE : Maharashtra  
Bombay, dated the 30th September, 1991

#### AWARD

The Central Government by their order No. L-16011/790-IR(DU) dated 9-5-1991 have referred the following industrial dispute to this Tribunal for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947.

"Whether the action of the management of India Government Mint in differentiating the quantum of the incentive to the workmen of Examining in the Examining and Un-current Deptt. for the month of December, 1987, January, 1988 and February 1988 and the workmen of Sorting in the Anneling and Coining Department for the month of December, 1987 and January, 1988 is justified ? If not, what relief the workmen are entitled to ?"

2. The notices were issued to both the parties. Accordingly the representative of the management appeared before this Tribunal on 7-6-1991 and on the subsequent dates. The notice of the reference was duly served upon the President of the Union on 17-5-1991. However, he remained absent on 17-6-1991, 17-7-1991, 19-8-1991 and on 6-9-1991. Another notice was also issued to the President of Union, and it was duly received by him on 23-8-1991. However, he remained absent as above.

3. The burden was upon the union to prove that the action of the management in question was not just and proper. However, the union has remained absent since the beginning. As such, the present reference stands disposed of.

P. D. APSHANKAR, Presiding Officer  
[No. L-160011/790-IR(DU)(Pt.)]

का.आ. 2853:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बायोलॉजिकल लेबोरेटरी एण्ड ऐनीमल हाउस, मद्रास के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट का प्रकाशित करती है, जो केन्द्रीय सरकार को 14-10-91 को प्राप्त हुआ था।

S.O. 2853.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (4 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Biological Laboratory & Animal House, Madras and their workmen, which was received by the Central Government on 14-10-91.

#### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Tuesday, the 30th day of July, 1991  
Present:

THIRU M. GOPALASWAMY, B.Sc., B.L.L.,  
Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 17 of 1988

(In the matter of dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the management of Government Medical Stores Deptt., Madras.)

BETWEEN

Thiru D. Ramesh,  
No. 159, Ashok Nagar, Arumbakkam near MMDA Colony,  
Madras-600106.

AND

The Director,  
Biological Laboratory & Animal House,  
Ministry of Health & Family Welfare,  
Govt. of India,  
37, Naval Hospital Road,  
Periamet, GMSA Campus, Madras.

REFERENCE : Order No. L-42012/112/87-D.II(B),  
dated 6-3-1988 of Ministry of Labour,  
Government of India, New Delhi.

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This dispute after remand coming on for final hearing on Tuesday, the 16th day of July, 1991 upon perusing the reference claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru T. Fenn Walter Authorised Representative for the workman and of Thiru M. Chidambaram for Thiru P.B. Krishnamoorthy, Central Government Pleader for the Management, and this dispute having stood over till this day for consideration, this Tribunal made the following :—

### AWARD

This dispute between the workman and the Management of Biological Laboratory & Animal House, Ministry of Health & Family Welfare, Madras arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in its Order No. L-12012/112/87-D.II(B), dt. 16-3-1990 of the Ministry of Labour for adjudication of the following issue:

"Whether the action of Director, Biological Laboratory & Animal House, Ministry of Health and Family Welfare, Govt. of India, Madras in terminating the services of Shri D. Ramesh, Laboratory Assistant w.e.f. 11-4-85 is justified? If not, to what relief the said workman is entitled to?"

#### 2. The claim Petition averments are as follows:

The Petitioner entered service under the Respondent on 23-6-82 as Temporary Lab Attendant in the Biological Laboratory, Govt. Medical Stores Depot, Madras as per the order of appointment dated 9-6-82. The Petitioner should be on probation for the period of six months in the first instance, and it can be extended at the discretion of the competent authority. He completed the probation on 22-12-82. Thereafter the Petitioner issued an Order dated 28-3-85 stating that the probation period of two years was extended by one more year. This order of extending the probation to two years and further beyond is unjust, improper and illegal. There was some difference of opinion between the 2nd and 3rd Respondents and as a result of which there was a strike. The Petitioner did not participate in the strike. However, the Director started ill-treating the Petitioner and bore grudge against him. The Petitioner was under the bona fide impression that he had completed his probation successfully on 22-12-82. While so suddenly he received a registered letter dated 16-4-85 containing three letter stating that there was no improvement in his performance and the petitioner failed to improve his responsibility, honesty and integrity even after he was warned several times to be careful in his duty and yet he inclined he will be liable for strict disciplinary action. The 2nd letter found in cover is an office order No. 55 Part II dated 9-4-85 falsely alleging their his letter of explanation dated 8-4-85 to the memorandum dt. 6-4-1985 was found to be unsatisfactory. Regarding the allegation that certain communication and documents were misread and tampered with by him, is absolutely baseless. Though his conduct, behaviour integrity was good these two letters indicate the various allegations of misconduct made against the Petitioner. Those allegations are baseless and are mala fide and the Director has decided to ruin the future of the Petitioner. The Third letter containing in the same cover is an order of termination issued by the Director. This letter has been issued with mala fide motives. He cannot be terminated under Section 5 of the Central Service (Temporary Service Rules, 1985). The Petitioner has not been

given any opportunity to face the allegations made against him. It is a case of punishment without following the stipulated procedure. The petitioner was appointed by the 2nd Respondent, who is superior to 3rd Respondent and the termination by 3rd Respondent is invalid and inoperative. The Petitioner was undergoing medical treatment at that time. The Government Medical Stores Depot is an industry employed 450 employees as defined under section 2(j) of the Industrial Disputes Act. The respondent is engaged in production and distribution of medicines and hence the Respondent is engaged in manufacturing processes and it is an industry. The termination of service would amount to retrenchment in contravention of Section 25-F of the Industrial Disputes Act. The Respondent failed to issue retrenchment notice and no retrenchment compensation was offered before terminating him. The Petitioner was drawing a salary of Rs. 900/- per month at the time of termination. Hence the claim for reinstatement.

3. The Respondent in its counter statement states as follows: The Biological Laboratory and Animal House, Madras wherein the Petitioner was employed, is not an industry within the definition of industry in the Industrial Disputes Act. He is governed by the rules framed under Article 309 of the constitution. The Laboratory and Animal House is an independent organisation under the Directorate General Health Service, Government of India, New Delhi. The Petitioner service is governed by rules framed and notified by the Government of India. As per rules for persons in Group C & D including the post held by the Petitioner the period of probation is two years. No one is entitled to modify the said rules without the Prior permission of the Government of India. A clerical error has created in the original order of appointment issued to the Petitioner and he cannot take advantage and claim the probation is only for six months. The 3rd Respondent has never intimated the Petitioner that the period of probation is six months. The Head Office is entitled to extend the period of probation. The Respondent submits that the Petitioner himself stated in his letter dated 4-12-84 for confirmation of his service after completion of probation of two years. If no order communicating confirmation is issued, it must be taken that the probation has not been confirmed. The order extending the probation is not unjust, improper and illegal. The Petitioner has failed to give satisfactory performance during his period of probation in two years. The averments that there is difference of opinion between the 2nd and 3rd Respondents, is denied. The Petitioner was under the administrative control of 3rd Respondent. It is incorrect to state that the Petitioner was ill-treated by the Director. There is no justification by the Petitioner to assume that he has been confirmed in service. The 3rd Respondent is the Head of Office and the disciplinary authority for all group of C & D employees including the petitioner. There is no mala fide on the part of the 3rd Respondent. [The Petitioner was found unsuitable to the post of Laboratory attendant and his services were terminated with effect from 11-4-86 under Rule 5 of the CCS (Temporary Services Rules) 1965 r/w the pro-



visions of Rule 11, explanation (viii)(a) & (b) of the CCS, CCA Rules, 1965. The Petitioner being a probationer it is not mandatory for an enquiry before his services are terminated. The Order of termination does not amount to penalty under rule 11, Explanation (viii)(a) & (b) of the CCA and CCS Rules. The Petitioner though was offered one month salary in lieu of notice, he did not claim. Hence 25-F should apply. There is no irregularity in the order of termination passed by the 3rd Respondent since he is the superior and competent authority over the 2nd Respondent. Hence the claim is liable to be dismissed.

4. The points for determination are :

- (i) Whether the action of the 3rd Respondent in terminating the service of D. Ramesh, the Petitioner is justified ?
- (ii) To what relief.

5. This dispute was already disposed of by an award passed by this Tribunal on 16-9-89 under which the dispute was dismissed on the ground that the termination of Petitioner service is valid and just and that he is not entitled to any relief. Thereupon the Petitioner filed Original Application No. 161/90 before the Central Administrative Tribunal, Madras. In disposing of this Original Application learned Central Administrative Tribunal passed an order, holding that the Industrial Tribunal has failed to give findings on the legality of termination with reference to the conditions laid down in Sec. 25-F of Industrial Disputes Act and remitted the matter to this Tribunal for giving a decision with reference to Sec. 25-F, and its application to the case of the Petitioner.

Whether the order of termination is in violation of Sec. 25-F of the I. D. Act and if so what relief should be given to the Petitioner are the questions to be answered now. Evidently the employees under Respondent/s 2 and 3 are less than 50 and hence Chapter V-A of the I. D. Act is applicable to the action taken by the Respondents 2 and 3 against the Petitioner. It is common case that the Petitioner WW-1 Ramesh came to be appointed as Attender in the Laboratory by an order Ex. W-1 wherein a probation period of six months is stipulated. The appointment is called a temporary one with a duty to complete probation satisfactorily and with a condition that after such satisfactory completion only the Petitioner could be regularly appointed as laboratory attender. Ex. W-2 contains the stipulations including the period of six months probation which is liable to be extended at the discretion of the authority. M.W. 1 The Assistant Director in his evidence clarified that the actual period of probation for the class of employees including laboratory attender is two years and by mistake it was stated as six months in Ex. W-2. Ex. W-3 and W-4 dt. 9-4-85 are two office orders in which the Director, 3rd Respondent herein has clearly recorded his views about the bad activities of the Petitioner, his indulgence in removing office records, negligent performance of duties etc. Even prior to these adverse records, the Petitioner service was found unsatisfactory and therefore his probation period has

been extended by one more year, after expiry of first two periods and that this extended one year should end with 21-6-85, as ordered in Ex. W-6, dt. 24-3-85. The Office memorandum signed by the Director (i.e.) 3rd Respondent on 30-3-85, that is, one day after extending the probation for a year, bears another entry of unsatisfactory service rendered by the Petitioner, in the view of the 3rd Respondent. Ex. M-1 and M-2 are the previous records containing adverse comments against the conduct and service of the petitioner and they have led to Ex. W-6 orders extending probation for one year. A perusal of the acts of misconduct noted down in Ex. M-1 and M-2 will convince that extending probation for one year under Ex. W-6 is a proper exercise of discretion. Finally the Petitioner's services were terminated under Ex. W-5 order dt. 11-4-85 forcing the Petitioner to seek legal remedies through the Industrial Dispute. It should be examined whether termination of a probationer on the ground of unsatisfactory service and misconduct can be construed as retrenchment proper. Sub-clause (oo) of Sec. 2 of the I. D. Act defining retrenchment, excludes termination of services as a result of a stipulation being enforced and such stipulation being part of the contract of employment, from what is called retrenchment. Obviously the service during probation period as a condition precedent to regular employment is a stipulation which is made known to the petitioner and expressed in Ex. W-2. Therefore, an employee like the petitioner whose service during the probation period is found unsatisfactory and whose service as a probationer is terminated cannot complain that he has been retrenched. The meaning of retrenchment as defined, clearly excludes termination by enforcing a stipulation. Termination resulting from unsatisfactory completion of probation is to be taken as termination based on stipulation contained in the contract and hence petitioner's termination from service cannot amount to retrenchment under the Industrial Disputes Act. I therefore find on these points and questions that the Petitioner has not been retrenched in a legal sense, that he is not entitled to any relief and that the dispute is liable to be dismissed. He has been terminated only in accordance with the terms of appointment on the ground that he did not satisfactorily complete the service as a probationer.

In the result, an award is passed dismissing the claim of the petitioner. No costs.

Dated, this the 30th day of July, 1991.

THIRU M. GOPALASWAMY, Industrial Tribunal  
[No. W. 42012/112/87-D.II(B)(Pt.)]

#### WITNESSES EXAMINED

Before & after remand

For workman: W.W.-1—Thiru D. Ramesh  
(Petitioner-workman)

For management: M.W.-1—Thiru C. Gopalakrishnan.

#### DOCUMENTS MARKED

Before & after remand

For workman:

Ex. W-1/23-6-82—Order of temporary appointment issued to Petitioner-workman.



- Ex. W-2|9-6-82—Officer of temporary appointment issued to Petitioner-workman for the post of Lab Attendant.
- Ex. W-3|9-4-85—Office order No. 57, Part II issued by the Director, Biological Laboratory and Animal House, Madras.
- Ex. W-4|9-4-85—Office Order No. 58, Part II —do—
- Ex. W-5|11-4-85—Office Order No.—, Part II —do—
- Ex. W-6|29-3-85—Office Order No. 32, Part II —do—
- Ex. W-7|30-4-84—Conduct Certificate issued to Petitioner-Workman.
- Ex. W-8|30-3-85—Memorandum issued by the Director, Biological Laboratory & Animal House, Madras-3 to the Petitioner-Workman..

For Management:

- Ex. M1—Confidential report for the year ending 31-12-83 & 31-12-84 relating to Petitioner-workman (xerox copy).
- Ex. M-2.series—Unsatisfactory reports relating to some of the workers including Petitioner-Workman (xerox copy).
- Ex. M-3|4-12-84—Letter from Petitioner-Workman to the Director, Biological Laboratory & Animal House, Madras-3 praying to confirm him in the post of Laboratory Attendant. (xerox copy)
- Ex. M-4—Extract from the Gazette of India, Part-II Section 3 Sub-Section 6, Ministry of Health & Family Welfare dated 24-2-84 (xerox copy)

नई दिल्ली, 23 अक्टूबर, 1991

का.ग्रा. 2854:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डिया गवर्नमेंट मिनट, बम्बई के प्रबन्धन के संबंध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, न. 2 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-10-91 को प्राप्त हुआ था।

New Delhi, the 23th October, 1991

S.O. 2854.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of Central Government Industrial Tribunal. No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of India Govt. Mint, Bombay and their workmen, which was received by the Central Government on 15-10-91.

2871 GI/91-48

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, AT BOMBAY.

PRESENT :

Shri P. D. Apshankar, Presiding Officer  
Reference No. : CGIT-2|27 of 1991.

PARTIES :

The Employers in relation to the Management of India Government Mint, Bombay.

AND

Their Workmen.

APPEARANCES :—

For the Employer : Shri B. M. Masurkar Advocate.

For the Workmen : No appearance.

INDUSTRY : Mint. STATE : Maharashtra  
Bombay, dated the 30th September 1991.

## AWARD

The Central Government by their order No. L-16012|7|90-IR(DU) dated 9-5-1991 have referred the following industrial dispute to this Tribunal for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947.

"Whether the action of the management of India Government Mint, Bombay, in not promoting Mr. Ashok Vasant Deshpande, Grade I to the Post of Asst. Mistry w.e.f. 1-1-1987, is justified? If not, what relief the workman concerned is entitled to?"

2. The notices of this reference were issued to both the parties. They were duly served on both the parties. The representative of the management accordingly appeared before this Tribunal on 7-6-1991, and on the subsequent dates. However, the General Secretary of the Union, even though he was duly served the notice on 17-5-1991, remained absent on 7-6-1991, 17-7-1991, 19-8-1991, and on 6-9-1991. Another notice was also issued to the Union, and it was duly served upon the General Secretary on 23-8-1991. Even the nobody from the Union appeared before this Tribunal till today.

3. The burden was upon the Union to prove that the action of the management in question was not just and proper. However, the Union has remained absent since the beginning. As such, the present reference stands disposed off.

P. D. APSHANKAR, Presiding Officer  
[No. L-16012|7|90-IR(DU)(pt.)]  
K. V. B. UNNY, Desk Officer

नई दिल्ली, 25 अक्टूबर, 1991

का.ग्रा. 2855:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार युनाईटेड कमिश्नल बैंक के प्रबन्धन के संबंध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,

कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सर  
की 15-10-91 को प्राप्त हुआ था।

New Delhi, the 25th October, 1991

S.O. 2855.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Calcutta as shown in the Annexure in the Industrial dispute between the employers in relation to the Mgt. of United Commercial Bank and their workmen, which was received by the Central Government on the 15-10-91.

#### ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRI-  
BUNAL AT CALCUTTA  
Reference No. 101 of 1988

#### PARTIES :

Employers in relation to the management of  
United Commercial Bank

AND

Their workmen.

#### PRESENT :

Mr. Justice Manash Nath Roy Presiding  
Officer.

#### APPEARANCES :

On behalf of management : Mr. H.R. Khan,  
Legal Retainer of the Bank.

On behalf of workmen: Mr. D. P. Roy, Gene-  
ral Secretary of the Union.

STATE : West Bengal. INDUSTRY : Banking.

#### AWARD

By Order No. L-12012/6/87-D.II(A)/D-I.I(A)  
dated 21st July, 1987, the Government of India,  
Ministry of Labour referred the following dispute  
to this Tribunal for adjudication:

"Whether the action of the management  
of United Commercial Bank, Divisional  
Office, 2, India Exchange Place, Calcutta,  
in dismissing Shri S. P. Singh, Special  
Assistant, UCC Bank, Burra Bazar  
Branch, Calcutta, with effect from 26-8-86  
is justified? If not, to what relief is con-  
cerned workman entitled?"

2. Shri S. P. Singh, the employee concerned  
(hereinafter referred to as the said employee), was  
at the relevant time appointed as a Special Assistant  
of the United Commercial Bank at Burra Bazar  
Branch. He joined the service of the Bank in 1961  
as Assistant Cashier.

3. He was chargesheeted and dismissed from service  
on the basis of a domestic enquiry and the date of  
the charge sheet was 8th October, 1985 and therein  
allegations of fraud and misappropriation through  
clearing accounts were made. It has been alleged  
that this offence involved moral turpitude under  
clause 19.2 of the Bipartite Settlement of 1966.

4. Since the parties before me made copious re-  
ference to several clauses of the said Bipartite  
Settlement, I think for convenience, some provisions  
be quoted as under :—

19.2 By the expression "offence" shall be meant  
any, offence involving moral turpitude for  
which an employee is liable to conviction  
and sentence under any provision of law.

19.3 (a) When in the opinion of the manage-  
ment an employee has committed an off-  
fence, unless he be otherwise prosecuted,  
the bank may take steps to prosecute him  
or get him prosecuted and in such case  
he may also be suspended.

(b) If he be convicted, he may be dis-  
missed with effect from the date of his  
conviction or be given any lesser form of  
punishment as mentioned in clause 19.6  
below.

(c) If he be acquitted, it shall be open  
to the management to proceed against him  
under the provisions set out below in  
clauses 19.11 and 19.12 infra relating to  
discharges. However, in the event of the  
management deciding after enquiry not to  
continue him in service, he shall be liable  
only for termination of service with three  
month's pay and allowances in lieu of notice.  
And he shall be deemed to have been on  
duty during the period of suspension, if  
any, and shall be entitled to the full pay  
and allowances minus such subsistence  
allowance as he was drawn and to all  
other privileges for the period of suspen-  
sion provided that if he be acquitted by  
being given the benefit of doubt he may  
be paid such portion of such pay and  
allowances as the management may deem  
proper, and the period of his absence shall  
not be treated as a period spent on duty  
unless the management so direct.

(d) If he prefers an appeal or revision ap-  
plication against his conviction and is ac-  
quitted, in case he had already been dealt  
with as above and he applies to the mana-  
gement for reconsideration of the case,  
the management shall review his case and  
may either reinstate him or proceed aga-  
inst him under the provisions set below in  
clauses 19.11 and 19.12 infra relating to  
discharge, and the provisions set out above  
as to pay, allowance and the period of sus-  
pension will apply, the period upto date  
for which full pay and allowances have  
not been drawn being treated as one of  
suspension. In the event of management  
deciding, after enquiry not to continue  
him in service, the employee shall be lia-  
ble only for termination with three month's  
pay and allowances in lieu of notice as  
directed above.

19.4 If after steps have been taken to pro-  
secute an employee or to get him pros-  
ecuted, for an offence, he is not put on  
trial within a year of the commission of

the offence, the management may then deal with him as if he had committed an act of "gross misconduct" or of "minor misconduct", as defined below; provided that if the authority which was to start prosecution proceedings refuses to do so or come to the conclusion that there is no case for prosecution it shall be open to the management to proceed against the employee under the provisions set out below in clauses 19.11 and 19.12 infra relating to discharge, but he shall be deemed to have been on duty during the period of suspension, if any, and shall be entitled to the full wages and allowances and to all other privileges for such period. In the event of the management deciding, after enquiry, not to continue him in service, he shall be liable only for termination with three month's pay and allowances in lieu of notice as provided in clause 19.3 supra. If within the pendency of the proceedings thus instituted he is put on trial such proceedings shall be stayed pending the completion of the trial, after which the provisions mentioned in clause 19.3 above shall apply.

5. It was alleged that under the above provisions, if an employee was guilty of committing offence involving moral turpitude, the primary duty of the Bank was to lodge a First Information Report to Police for taking steps to prosecute him, unless they are followed and complied with, the Bank cannot directly adopt paragraphs 19.11 and 19.12 of the Settlement and institute a domestic enquiry.

6. As alleged the charge-sheet dated 21st October, 1985 against the said employee involved moral turpitude and the management of the Bank deliberately did not take any steps to prosecute him by lodging any First Information Report to Police and as such, such action initiated by the domestic enquiry, without applying the provisions of paragraph 19.3(a) was without jurisdiction, arbitrary and contrary to said settlement and as such, no punishment could be imposed on the said employee and further-more entire domestic enquiry in the facts and circumstances of the case should be held to be illegal and without jurisdiction.

7. It would also appear that on or about 18th November, 1980, a First Information Report was lodged by the Bank to the Officer Incharge of the said Police Station for some fraudulent deals in respect of some accounts from the year 1977 to 1988 and it was averred by the Bank that "We have strong suspicion that the said Shri Singh either alone or in connivence and in conspiracy with others was involved in such fraud". It was also alleged that in view of the nature of the fraud committed, the Bank authorities suspected that some organised gang was operating to defraud the Bank and thus they requested the Officer Incharge concerned to investigate the matter, so that the wrong-doers may be brought to book.

8. Xerox Copies of the statements of the concerned accounts would show detailed particulars

of the debit and credit entries passed through those accounts on different dates. It has also been stated that since balancing of various books of the concerned branch have not been completed, so the authorities of the Bank were not in a position at that stage to confirm whether similar clearing entries made in the said savings bank accounts on earlier dates were also fictitious and it was very likely that fraud might have been committed in other accounts also. It has also been stated that the books were being examined and if other frauds or forgeries come to light, they will be reported to the Officer Incharge in time. It has also been stated that thus it transpired that the balancing of the books were not complete and it has also been stated further that on the basis of the same F.I.R., proceeding is now going on at Special Court before the Metropolitan Magistrate, Calcutta.

9. It is an admitted fact that the employee concerned was placed under suspension from June, 1981 and he was not paid any subsistence allowance. This has been stated that it was intended to cause harassment to the said employee and to touch him some lesson economically. It also appears that the employee concerned ultimately moved the High Court of Calcutta in its writ jurisdiction, whereupon an order was passed to pay subsistence allowance to him and ultimately he received such allowance in January, 1986.

10. As indicated earlier the charge-sheet in the instant case was issued on 8th October, 1985 containing instances which involved moral turpitude, but the authorities concerned did not register any F.I.R. to the Police like the other one nor they reported the same to be in continuation of the previous F.I.R.

11. Mr. P. Sen Eshore, Law Officer of the Bank was appointed as Enquiry Officer on 24th December, 1985 and it has been alleged that the said enquiry was constituted as and by way of pre-planned conspiracy to victimise the said employee and the whole motive of the Enquiry Officer was to complete the enquiry in hot-hest and submit his biased report. It was also the allegation that the Enquiry Officer and the Presenting Officer connived in the matter and the action of the Enquiry Officer all throughout was prejudiced, motivated and biased. In any event, he did not give the said employee reasonable opportunity to defend his case properly, apart from the fact that natural justice was denied in his case.

12. To establish that the enquiry was conducted and concluded in hot-hest, it was stated that only the Enquiry Officer by a notice fixed the enquiry on 24th January, 1986, which was received duly by the said employee and he was present in the office of the Enquiry Officer, but on that date, the Enquiry Officer was absent. It has been stated that next date was fixed on 7th February, 1986 and the said employee admittedly received the notice on that date and the prayer of the said employee for adjournment of the date of hearing for one month since he was suffering from various ailments alongwith the medical certificate was not duly considered. It is true that the next date of enquiry was fixed on 24th

February, 1986 and notice of this enquiry was sent through one Manick Mahato. The said employee has stated that this notice was not received by him and there was no evidence to show that there was actual refusal to receive the notice as signatures of two persons in terms of para 19.16 of the Bipartite Settlement in case of such refusal, which was required, was not taken. In fact no other person, excepting the said Shri Mahato has deposed to the above fact. But the Enquiry Officer, contrary to above mentioned paragraph of the said settlement failed and neglected to consider the same and thus invalidity of the domestic enquiry was proved.

13. The next date of enquiry was fixed on 11th March 1986 and notice of enquiry of that date was sent to the said employee by registered post, was received, but the condition of his health was such that he sent another application on 7th March, 1986 asking for one month's time from 11th March, 1986 on medical ground. This was accompanied by medical certificate. It has been alleged now that strange enough, the Enquiry Officer did not try to verify the validity or otherwise of the said medical certificate either by a permanent doctor of the Bank, who attend their Head Office everyday or by any doctor of Bank's choice and he only adjourned the case to 18th March, 1986 i.e. for 6 days. The Enquiry Officer has also admitted that this time, the notice in question was sent to the said employee alongwith the registered letter which was received by him, but the said employee could not be present in the enquiry personally in view of his earlier medical certificates and indifferent health, but he sent a representation through a friend, to the officer concerned, praying for allowing him to be defend by a lawyer and that too on consideration of the nature of allegations which were all "offences" under moral turpitude. It has also been alleged that the Enquiry Officer did not at all consider the request of the said employee to be defended by outside lawyer which was informed by him through the letter dated 28th March, 1986 and fixed 29th March, 1986 as the next date of hearing. On such, by letter dated 24th March, 1986, addressed to the Enquiry Officer, the said employee explained his reaction on the refusal to be represented by a lawyer and a copy of the said letter was also sent to the disciplinary authority, but without any effect.

14. Then on 29th March, 1986, the Enquiry Officer took the decision to hold the exparte hearing and for that he took necessary steps. In fact said exparte hearing was held on 31st March, 1986 and few days thereafter.

15. It has been stated that from the above facts it would be obvious that the said employee was given three dates only, by the Enquiry Officer and that too in contemplation of his pre-planned conspiracy to find the said employee guilty of the offences charged. Apart from the fact that the conduct of the Enquiry Officer will no doubt show his motive to deprive the said employee opportunity to defend his case properly, it has been stated that the Enquiry Officer was not duly justified in ignoring the serious condition of the said employee and he had

not also considered the medical certificate as produced and as admitted by him. It will appear that on consideration of the submission of the Presenting Officer, who denied the fact of the said employee's illness, the said date was fixed.

16. It has been stated that if there was any doubt about the medical certificate of registered medical practitioner, the Enquiry Officer could have referred the matter to the Bank's permanent doctors for their respect or any other doctor of Bank's choice instead of acting only on the basis of submissions of the Presiding Officer, which again undoubtedly establish prejudice and bias of the Enquiry Officer and his connivence with the Presenting Officer in victimising the said employee.

17. Apart from the fact for the admitted position that the Enquiry Officer alongwith the Presenting Officer jointly visited the house of the said employee to find out the truth or otherwise of his statement, there will be no doubt that they were acting in league with each other for the reasons and purposes as indicated. It has further been stated that under paragraph 19.12(iii) of the Settlement of 1966, a chargesheeted employee is entitled to be defended by a lawyer with the permission of the Bank, but the Enquiry Officer in ignoring such provisions never informed the said employee as to whom he should approach for engaging an outside lawyer in the domestic enquiry and as such, he could have considered his application dated 17th March, 1986 for being represented by an outside Lawyer or he could pass any order in regard to his prayer instead that such order by him was made through inadvertence. In fact, it was also been pointed out that there was no objection recorded in the proceedings by the Presenting Officer against such representation of the said employee by a lawyer and as such the Enquiry Officer should not have held the proceedings exparte without passing any order on his application for being represented by a lawyer. That being the position, it was claimed that the exparte hearing starting from 29th March 1986 was illegal, arbitrary whimsical and violative of natural justice. It was stated that in such view of the matter, the said employee was not in a position to defend himself duly in the enquiry and so the exparte enquiry should be set aside.

18. From the recorded proceedings it will also appear that the Enquiry Officer himself subsequently found and relied on a procedure followed by him as not proper and it was also recorded that although he was given chance to submit reply filed by the Presenting Officer on the basis of such exparte hearing, the said Enquiry Officer deliberately absented himself on 29th May, 1986 i.e. the date as fixed and ultimately he could not file the written reply.

19. Since further reference to paragraphs 19.11, 19.12 and 19.16 were made by the parties before me, I think time is now appropriate when I should quote them as under :—

"19.11 When it is decided to take any disciplinary action against an employee such decision shall be communicated to him within three days thereof.

19.12 The procedure in such cases shall be as follows :—

- (a) An employee against whom disciplinary action is proposed or likely to be taken shall be given a charge-sheet clearly setting forth the circumstances appearing against him and a date shall be fixed for enquiry, sufficient time being given to him to enable him to prepare and give his explanation as also to produce any evidence that he may wish to tender in his defence. He shall be permitted to appear before the Officer conducting the enquiry, to cross-examine any witness on whose evidence the charge rests and to examine witness and produce other evidence in his defence. He shall also be permitted to be defended —
  - (i) (x) by a representative of a registered trade union of bank employees of which he is a member on the date first notified for commencement of the enquiry;
  - (y) where the employee is not a member of any trade union of bank employees on the aforesaid date, by a representative of a registered trade union of employees of the bank in which he is employed; or
  - (ii) at the request of the said union by a representative of the state federation or all India Organisation to which such union is affiliated ; or
  - (iii) with the Bank's permission, by a lawyer. He shall also be given a hearing as regards the nature of the proposed punishment in case any charge is established against him.
- (b) Pending such inquiry he may be suspended, but if on the conclusion of the enquiry it is decided to take no action against him he shall be deemed to have been on duty and shall be entitled to full wages and allowances and to all other privileges for the period of suspension; and if some punishment other than dismissal is inflicted the whole or a part of the period of suspension, may at the discretion of the management, be treated as on duty with the right to a corresponding portion of the wages, allowances etc.
- (c) In awarding punishment by way of disciplinary action the authority concerned shall take into account the gravity of the misconduct, the previous record, if any, of the employee and any other aggravating or extenuating circumstances, that may exist. Where sufficiently extenuating circumstances exist the misconduct may be condoned and in case such misconduct is of the "gross" type he may be merely discharged, with or without notice or on payment of a month's pay and allowances, in lieu of notice. Such discharge may also be given where the evidence is found to be insufficient to sustain the charge and where the bank does not, for some reason or other, think it expedient to retain the employee in question any longer in service.

Discharge in such cases shall not be deemed to amount to disciplinary action.

- (d) If the representative defending the employee is an employee of the same Bank at an outstation branch within the same State, he shall be relieved on special leave (on full pay and allowances) to represent the employee and be paid one return fare. The class of fare to which he will be entitled would be the same as while on duty. In case of any adjournment at the instance of the Bank, he may be asked to resume duty and if so, will be paid fare for the consequential journey. He shall also be paid 50 per cent of the halting allowance for the period he stays at the place of the enquiry for defending the employee as also for the days of the journeys which are undertaken at the bank's cost.
- (e) An enquiry need not be held if —
  - (i) the misconduct is such that even, if proved the bank does not intend to award the punishment of discharge or dismissal; and
  - (ii) the bank has issued a show cause notice to the employee advising him of the misconduct and the punishment for which he may be liable for such misconduct; and
  - (iii) the employee makes a voluntary admission of his guilt in his reply to the aforesaid show cause notice.

However, if the employee concerned requests a hearing regarding the nature of punishment, such a hearing shall be given.

19.16 Any notice, order, charge-sheet, communication or intimation which is meant for an individual employee, shall be in a language understood by the employee concerned. In the case of an absent employee notice shall be sent to him by registered post with acknowledgement due. If an employee refuses to accept any notice, order, charge-sheet, written communication or written intimation in connection with disciplinary proceedings when it is sought to be served upon him, such refusal shall be deemed to be a good service upon him, provided such refusal takes place in the presence of at least two persons including the person who goes to effect service upon him. Where such notice, order, charge-sheet, communication or intimation is sent by registered post with acknowledgement due, the same shall at the discretion of the officer of the bank concerned, be deemed to have been duly served upon the employee, if the same has been refused by the employee."

20. The exparte enquiry was thus claimed to be inconclusive and incomplete. It was also claimed that the Enquiry Officer filed the report with such character, as such the same was further claimed to be motivated, biased, prejudiced and contrary to the Desai Award and the Bipartite Settlement. It was further claimed that there was no proof of any fraudulent deal by the said employee and in any event the same was not proved beyond any reasonable doubt and by any legal evidence. It was claimed that the above allegations would also be amply testified from the recorded evidence of this case.

21. The said Bank of course contended to the contrary and claimed that all necessary and reasonable opportunities were afforded to the said employee, who elected not to accept them and all his statements as made now are afterthoughts. They denied the allegations of manipulation of the enquiry either by the Enquiry Officer or by him at the instance and connivance of the Presenting Officer. It was maintained that the report of the contravention of was due, proper and made not in contravention of any principles of natural justice and fundamentals of fairplay.

22. It is true that the said employee was to a great extent responsible in having completion of the enquiry delayed, but that will not exonerate the said Bank to rush to the completion of the enquiry, the more so when, the reasons as ascribed by the said employee could not be thrown out or brushed aside in the manner the same has been done or for the reasons as recorded. It is very difficult to visualise and agree with the reasons recorded that when such an ailing employee was in a position to travel 1 K.M. to take his food every day, so how and why he could not attend the enquiry. The capacity to travel 1 K.M. in the morning and 1 K.M. in the night for having food and appearing before an enquiry or to face the same cannot be equated together and placed in the same footing. The Enquiry Officer to my mind acted beyond his power and jurisdiction to visit the said employee's house alongwith the Presenting Officer, if he so wanted, he could have gone there himself alone and not accompanied by the Presenting Officer. There was gross violation of the provisions of Bi-partite Settlement in refusing or not allowing the said employee to be represented by a lawyer, particularly when he was facing charges of moral turpitude. Any delinquent facing such serious charges may be expected to be loosing his mental equilibrium and thus such prayer as made in this case was not unreasonable and if the same was allowed then there would not have been cause of much delay in completing the enquiry as the same was already sufficiently delayed. In any event, such delay, if any, in a case of the present nature, when the said employee should have the feeling that justice has been duly done in his case, as not required to be considered.

23. I feel that the cases cited, not during the course of hearing, but in the written argument by the said Bank, will not really help them in the facts of the case and more specifically because of the findings as recorded by me.

24. Thus I have no hesitation in answering the reference in the affirmative and in favour of the contentions of the said employee. As a consequence therefore he should be reinstated in service in accordance with law and will also be entitled to due legal interest for all his dues, so long he is not reinstated.

This is my Award.

Dated, Calcutta,  
The 10th September, 1991.

MANASH NATH ROY, Presiding Officer  
[No. L-12012|6|87-D.II(A)]

का.प्र. 2856:- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ इण्डिया के प्रबन्धतंत्र के संबद्ध निषेधकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-10-91 को प्राप्त हुआ था।

S.O. 2856.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure in the Industrial dispute between the employers in relation to the Mgt. of Bank of India and their workmen, which was received by the Central Government on 15-10-91.

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. I AT BOMBAY  
(PRESIDING OFFICER : JUSTICE S. N.  
KHATRI)

REFERENCE NO. CGIT-47 OF 1991

#### PARTIES :

Employers in relation to the Management of  
Bank of India.

and

Their workmen.

#### APPEARANCES

For the Management : Shri M.M. Shinde, Industrial  
Relations Officer.

For the Workmen : None present.

INDUSTRY : Banking STATE : Maharashtra

Bombay, dated the 30th day of September, 1991

#### AWARD

The Central Government has referred the following industrial dispute to this Tribunal under section 10 of the Industrial Disputes Act, 1947, for adjudication :

"Whether the action of the management of Bank of India in relation to its Pune city branch in withdrawing the stagnation increment of Shri B.A. Godbole, AELPM operator of Pune city branch in view of clause 14-stagnation increment of Memo. of settlement dated 1-1-86 between Bank of India and Federation of Bank of India staff Union is justified. If not, to what relief the workman is entitled to?"

2. The Workman has not cared to put in appearance on the last two dates of hearing and even today, although notice has been served on him afresh. Although he has not filed his statement of claim. The Bank have filed their written statement, submitting that the claim of the Workman has been duly satisfied. In the circumstances, I dismiss the reference for want of prosecution. There will be no orders as to costs.

S. N. KHATRI, Presiding Officer

[No. L-12012|374|90-IR(B II)]

V. K. VENUGOPALAN, Desk Officer